



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3618

Introduced 2/24/2005, by Rep. Julie Hamos

SYNOPSIS AS INTRODUCED:

See Index

Creates the Uniform Parentage Act (2000). Provides rules for establishing a parent-child relationship, including rules for acknowledging and denying paternity. Requires the Department of Children and Family Services to establish a registry of paternity, and requires that men who have timely registered be given notice of a proceeding for adoption or for termination of parental rights. Provides that the intentional, unauthorized release of information from the registry is a Class B misdemeanor. Provides rules for the genetic testing of a person to determine parentage, and makes the intentional, unauthorized release of an identifiable specimen a Class B misdemeanor. Provides rules for proceedings to adjudicate parentage, and authorizes the issuance of a temporary order for child support. Provides rules for determining the parentage of a child of assisted reproduction. Provides for the regulation of gestational agreements. Repeals the Illinois Parentage Act and the Illinois Parentage Act of 1984. Amends other Acts to make conforming changes.

LRB094 11316 DRJ 42141 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning families.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 ARTICLE 1. GENERAL PROVISIONS

5 Section 0.01. Short title. This Act may be cited as the
6 Uniform Parentage Act (2000).

7 Section 101. Short title. (See Section 0.01 for short
8 title.)

9 Section 102. Definitions. In this Act:

10 (1) "Acknowledged father" means a man who has
11 established a father-child relationship under Article 3.

12 (2) "Adjudicated father" means a man who has been
13 adjudicated by a court of competent jurisdiction, or as
14 authorized under Article X of the Illinois Public Aid Code,
15 to be the father of a child.

16 (3) "Alleged father" means a man who alleges himself to
17 be, or is alleged to be, the genetic father or a possible
18 genetic father of a child, but whose paternity has not been
19 determined. The term does not include:

20 (A) a presumed father;

21 (B) a man whose parental rights have been
22 terminated or declared not to exist; or

23 (C) a male donor.

24 (4) "Assisted reproduction" means a method of causing
25 pregnancy other than sexual intercourse. The term
26 includes:

27 (A) intrauterine insemination;

28 (B) donation of eggs;

29 (C) donation of embryos;

30 (D) in-vitro fertilization and transfer of

1 embryos; and

2 (E) intracytoplasmic sperm injection.

3 (5) "Child" means an individual of any age whose
4 parentage may be determined under this Act.

5 (6) "Commence" means to file the initial pleading
6 seeking an adjudication of parentage in the circuit court
7 of this State.

8 (7) "Determination of parentage" means the
9 establishment of the parent-child relationship by the
10 signing of a valid acknowledgment of paternity under
11 Article 3 or adjudication by the court or as authorized
12 under Article X of the Illinois Public Aid Code.

13 (8) "Donor" means an individual who produces eggs or
14 sperm used for assisted reproduction, whether or not for
15 consideration. The term does not include:

16 (A) a husband who provides sperm, or a wife who
17 provides eggs, to be used for assisted reproduction by
18 the wife;

19 (B) a woman who gives birth to a child by means of
20 assisted reproduction, except as otherwise provided in
21 Article 8; or

22 (C) a parent under Article 7 or an intended parent
23 under Article 8.

24 (9) "Ethnic or racial group" means, for purposes of
25 genetic testing, a recognized group that an individual
26 identifies as all or part of the individual's ancestry or
27 that is so identified by other information.

28 (10) "Genetic testing" means an analysis of genetic
29 markers to exclude or identify a man as the father or a
30 woman as the mother of a child. The term includes an
31 analysis of one or a combination of the following:

32 (A) deoxyribonucleic acid; and

33 (B) blood-group antigens, red-cell antigens,
34 human-leukocyte antigens, serum enzymes, serum
35 proteins, or red-cell enzymes.

36 (11) "Gestational mother" means an adult woman who

1 gives birth to a child under a gestational agreement.

2 (12) "Man" means a male individual of any age.

3 (13) "Parent" means an individual who has established a
4 parent-child relationship under Section 201.

5 (14) "Parent-child relationship" means the legal
6 relationship between a child and a parent of the child. The
7 term includes the mother-child relationship and the
8 father-child relationship.

9 (15) "Paternity index" means the likelihood of
10 paternity calculated by computing the ratio between:

11 (A) the likelihood that the tested man is the
12 father, based on the genetic markers of the tested man,
13 mother, and child, conditioned on the hypothesis that
14 the tested man is the father of the child; and

15 (B) the likelihood that the tested man is not the
16 father, based on the genetic markers of the tested man,
17 mother, and child, conditioned on the hypothesis that
18 the tested man is not the father of the child and that
19 the father is of the same ethnic or racial group as the
20 tested man.

21 (16) "Presumed father" means a man who, by operation of
22 law under Section 204, is recognized as the father of a
23 child until that status is rebutted or confirmed in a
24 judicial proceeding.

25 (17) "Probability of paternity" means the measure, for
26 the ethnic or racial group to which the alleged father
27 belongs, of the probability that the man in question is the
28 father of the child, compared with a random, unrelated man
29 of the same ethnic or racial group, expressed as a
30 percentage incorporating the paternity index and a prior
31 probability.

32 (18) "Record" means information that is inscribed on a
33 tangible medium or that is stored in an electronic or other
34 medium and is retrievable in perceivable form.

35 (19) "Signatory" means an individual who authenticates
36 a record and is bound by its terms.

1 (20) "State" means a State of the United States, the
2 District of Columbia, Puerto Rico, the United States Virgin
3 Islands, or any territory or insular possession subject to
4 the jurisdiction of the United States.

5 (21) "Support-enforcement agency" means a public
6 official or agency authorized to seek:

7 (A) enforcement of support orders or laws relating
8 to the duty of support;

9 (B) establishment or modification of child
10 support;

11 (C) determination of parentage; or

12 (D) location of child-support obligors and their
13 income and assets.

14 Section 103. Scope of Act; choice of law.

15 (a) This Act applies to determination of parentage in this
16 State.

17 (b) The court shall apply the law of this State to
18 adjudicate the parent-child relationship. The applicable law
19 does not depend on:

20 (1) the place of birth of the child; or

21 (2) the past or present residence of the child.

22 (c) This Act does not create, enlarge, or diminish parental
23 rights or duties under other law of this State.

24 (d) This Act does not authorize or prohibit an agreement
25 between a woman and a man and another woman in which the woman
26 relinquishes all rights as a parent of a child conceived by
27 means of assisted reproduction, and which provides that the man
28 and other woman become the parents of the child. If a birth
29 results under such an agreement and the agreement is
30 unenforceable under the law of this State, the parent-child
31 relationship is determined as provided in Article 2.

32 Section 104. Court of this State. The circuit court is
33 authorized to adjudicate parentage under this Act.

1 Section 105. Protection of participants. Proceedings under
2 this Act are subject to other law of this State governing the
3 health, safety, privacy, and liberty of a child or other
4 individual who could be jeopardized by disclosure of
5 identifying information, including address, telephone number,
6 place of employment, social security number, and the child's
7 day-care facility and school.

8 Section 106. Determination of maternity. Provisions of
9 this Act relating to determination of paternity apply to
10 determination of maternity.

11 ARTICLE 2. PARENT-CHILD RELATIONSHIP

12 Section 201. Establishment of parent-child relationship.

13 (a) The mother-child relationship is established between a
14 woman and a child by:

15 (1) the woman's having given birth to the child, except
16 as otherwise provided in Article 8;

17 (2) an adjudication of the woman's maternity;

18 (3) adoption of the child by the woman; or

19 (4) an adjudication confirming the woman as a parent of
20 a child born to a gestational mother if the agreement was
21 validated under Article 8 or is enforceable under other
22 law.

23 (b) The father-child relationship is established between a
24 man and a child by:

25 (1) an unrebutted presumption of the man's paternity of
26 the child under Section 204;

27 (2) an effective acknowledgment of paternity by the man
28 under Article 3, unless the acknowledgment has been
29 rescinded or successfully challenged;

30 (3) an adjudication of the man's paternity;

31 (4) adoption of the child by the man;

32 (5) the man's having consented to assisted
33 reproduction by a woman under Article 7 which resulted in

1 the birth of the child; or

2 (6) an adjudication confirming the man as a parent of a
3 child born to a gestational mother if the agreement was
4 validated under Article 8 or is enforceable under other
5 law.

6 Section 202. No discrimination based on marital status. A
7 child born to parents who are not married to each other has the
8 same rights under the law as a child born to parents who are
9 married to each other.

10 Section 203. Consequences of establishment of parentage.
11 Unless parental rights are terminated, a parent-child
12 relationship established under this Act applies for all
13 purposes, except as otherwise specifically provided by other
14 law of this State.

15 Section 204. Presumption of paternity.

16 (a) A man is presumed to be the father of a child if:

17 (1) he and the mother of the child are married to each
18 other and the child is born during the marriage;

19 (2) he and the mother of the child were married to each
20 other and the child is born within 300 days after the
21 marriage is terminated by death, annulment, declaration of
22 invalidity, judgment of dissolution, or divorce, or after a
23 judgment of legal separation or decree of separation;

24 (3) before the birth of the child, he and the mother of
25 the child married each other in apparent compliance with
26 law, even if the attempted marriage is or could be declared
27 invalid, and the child is born during the invalid marriage
28 or within 300 days after its termination by death,
29 annulment, declaration of invalidity, judgment of
30 dissolution, or divorce, or after a judgment of legal
31 separation or decree of separation; or

32 (4) after the birth of the child, he and the mother of
33 the child married each other in apparent compliance with

1 law, whether or not the marriage is or could be declared
2 invalid, and he voluntarily asserted his paternity of the
3 child, and:

4 (A) the assertion is in a record filed with the
5 Illinois Department of Public Health or the Illinois
6 Department of Public Aid as provided by other law of
7 this State;

8 (B) he agreed to be and is named as the child's
9 father on the child's birth certificate; or

10 (C) he promised in a record to support the child as
11 his own.

12 (5) (Blank).

13 (b) A presumption of paternity established under this
14 Section may be rebutted only by an adjudication under Article
15 6.

16 ARTICLE 3. VOLUNTARY ACKNOWLEDGEMENT OF PATERNITY

17 Section 301. Acknowledgment of paternity. The mother of a
18 child and a man claiming to be the genetic father of the child
19 may sign an acknowledgment of paternity with intent to
20 establish the man's paternity.

21 Section 302. Execution of acknowledgment of paternity.

22 (a) An acknowledgment of paternity must:

23 (1) be in a record;

24 (2) be signed, or otherwise authenticated, under
25 penalty of perjury by the mother and by the man seeking to
26 establish his paternity;

27 (3) state that the child whose paternity is being
28 acknowledged:

29 (A) does not have a presumed father, or has a
30 presumed father whose full name is stated; and

31 (B) does not have another acknowledged or
32 adjudicated father;

33 (4) state whether there has been genetic testing and,

1 if so, that the acknowledging man's claim of paternity is
2 consistent with the results of the testing; and

3 (5) state that the signatories understand that the
4 acknowledgment is the equivalent of a judicial
5 adjudication of paternity of the child and that a challenge
6 to the acknowledgment is permitted only under limited
7 circumstances and is barred after two years.

8 (b) An acknowledgment of paternity is void if it:

9 (1) states that another man is a presumed father,
10 unless a denial of paternity signed or otherwise
11 authenticated by the presumed father is filed with the
12 Illinois Department of Public or the Illinois Department of
13 Public Aid, as provided by other law of this State;

14 (2) states that another man is an acknowledged or
15 adjudicated father; or

16 (3) falsely denies the existence of a presumed,
17 acknowledged, or adjudicated father of the child.

18 (c) A presumed father may sign or otherwise authenticate an
19 acknowledgment of paternity.

20 Section 303. Denial of paternity. A presumed father may
21 sign a denial of his paternity. The denial is valid only if:

22 (1) an acknowledgment of paternity signed, or
23 otherwise authenticated, by another man is filed pursuant
24 to Section 305;

25 (2) the denial is in a record, and is signed, or
26 otherwise authenticated, under penalty of perjury; and

27 (3) the presumed father has not previously:

28 (A) acknowledged his paternity, unless the
29 previous acknowledgment has been rescinded pursuant to
30 Section 307 or successfully challenged pursuant to
31 Section 308; or

32 (B) been adjudicated to be the father of the child.

33 Section 304. Rules for acknowledgment and denial of
34 paternity.

1 (a) An acknowledgment of paternity and a denial of
2 paternity may be contained in a single document or may be
3 signed in counterparts, and may be filed separately or
4 simultaneously. If the acknowledgement and denial are both
5 necessary, neither is valid until both are filed.

6 (b) An acknowledgment of paternity or a denial of paternity
7 may be signed before the birth of the child.

8 (c) Subject to subsection (a), an acknowledgment of
9 paternity or denial of paternity takes effect on the birth of
10 the child or the filing of the document with the Illinois
11 Department of Public Health or the Illinois Department of
12 Public Aid, as provided by other law of this State, whichever
13 occurs later.

14 (d) An acknowledgment of paternity or denial of paternity
15 signed by a minor is valid if it is otherwise in compliance
16 with this Act.

17 Section 305. Effect of acknowledgment or denial of
18 paternity.

19 (a) Except as otherwise provided in Sections 307 and 308, a
20 valid acknowledgment of paternity filed with the Illinois
21 Department of Public Health or the Illinois Department of
22 Public Aid, as provided by other law of this State, is
23 equivalent to an adjudication of paternity of a child and
24 confers upon the acknowledged father all of the rights and
25 duties of a parent.

26 (b) Except as otherwise provided in Sections 307 and 308, a
27 valid denial of paternity by a presumed father filed with the
28 Illinois Department of Public Health or the Illinois Department
29 of Public Aid, as provided by other law of this State, in
30 conjunction with a valid acknowledgment of paternity is
31 equivalent to an adjudication of the nonpaternity of the
32 presumed father and discharges the presumed father from all
33 rights and duties of a parent.

34 Section 306. No filing fee. Neither the Illinois Department

1 of Public Health nor the Illinois Department of Public Aid may
2 charge for filing an acknowledgment of paternity or denial of
3 paternity.

4 Section 307. Proceeding for rescission. A signatory may
5 rescind an acknowledgment of paternity or denial of paternity
6 by commencing a proceeding to rescind before the earlier of:

7 (1) 60 days after the effective date of the
8 acknowledgment or denial, as provided in Section 304; or

9 (2) the date of the first hearing, in a proceeding to
10 which the signatory is a party, before a court to
11 adjudicate an issue relating to the child, including a
12 proceeding that establishes support.

13 Section 308. Challenge after expiration of period for
14 rescission.

15 (a) After the period for rescission under Section 307 has
16 expired, a signatory of an acknowledgment of paternity or
17 denial of paternity may commence a proceeding to challenge the
18 acknowledgment or denial only:

19 (1) on the basis of fraud, duress, or material mistake
20 of fact; and

21 (2) within two years after the acknowledgment or denial
22 is filed with the Illinois Department of Public Health or
23 the Illinois Department of Public Aid, as provided by other
24 law of this State.

25 (b) A party challenging an acknowledgment of paternity or
26 denial of paternity has the burden of proof.

27 Section 309. Procedure for rescission or challenge.

28 (a) Every signatory to an acknowledgment of paternity and
29 any related denial of paternity must be made a party to a
30 proceeding to rescind or challenge the acknowledgment or
31 denial.

32 (b) For the purpose of rescission of, or challenge to, an
33 acknowledgment of paternity or denial of paternity, a signatory

1 submits to personal jurisdiction of this State by signing the
2 acknowledgment or denial, effective upon the filing of the
3 document with the Illinois Department of Public Health or the
4 Illinois Department of Public Aid, as provided by other law of
5 this State.

6 (c) Except for good cause shown, during the pendency of a
7 proceeding to rescind or challenge an acknowledgment of
8 paternity or denial of paternity, the court may not suspend the
9 legal responsibilities of a signatory arising from the
10 acknowledgment, including the duty to pay child support.

11 (d) A proceeding to rescind or to challenge an
12 acknowledgment of paternity or denial of paternity must be
13 conducted in the same manner as a proceeding to adjudicate
14 parentage under Article 6.

15 (e) At the conclusion of a proceeding to rescind or
16 challenge an acknowledgment of paternity or denial of
17 paternity, the court shall order the Illinois Department of
18 Public Health to amend the birth record of the child, if
19 appropriate.

20 Section 310. Ratification barred. A court or
21 administrative proceeding is not required or permitted to
22 ratify an unchallenged acknowledgment of paternity.

23 Section 311. Full faith and credit. A court of this State
24 shall give full faith and credit to an acknowledgment of
25 paternity or denial of paternity effective in another state if
26 the acknowledgment or denial has been signed and is otherwise
27 in compliance with the law of the other state.

28 Section 312. Forms for acknowledgment and denial of
29 paternity.

30 (a) To facilitate compliance with this Article, the
31 Illinois Department of Public Health or the Illinois Department
32 of Public Aid, as provided by other law of this State, shall
33 prescribe forms for the acknowledgment of paternity and the

1 denial of paternity.

2 (b) A valid acknowledgment of paternity or denial of
3 paternity is not affected by a later modification of the
4 prescribed form.

5 Section 313. Release of information. The Illinois
6 Department of Public Health and the Illinois Department of
7 Public Aid may release information relating to the
8 acknowledgment of paternity or denial of paternity to a
9 signatory of the acknowledgment or denial and to courts and
10 appropriate state or federal agencies of this or another state.

11 Section 314. Adoption of rules. The Illinois Department of
12 Public Health and the Illinois Department of Public Aid may
13 adopt rules to implement this Article.

14 ARTICLE 4. REGISTRY OF PATERNITY

15 PART 1. GENERAL PROVISIONS

16 Section 401. Establishment of registry. A registry of
17 paternity is established in the Illinois Department of Children
18 and Family Services.

19 Section 402. Registration for notification.

20 (a) Except as otherwise provided in subsection (b) or
21 Section 405, a man who desires to be notified of a proceeding
22 for adoption of, or termination of parental rights regarding, a
23 child that he may have fathered must register in the registry
24 of paternity before the birth of the child or within 30 days
25 after the birth.

26 (b) A man is not required to register if:

27 (1) a father-child relationship between the man and the
28 child has been established under this Act or other law; or

29 (2) the man commences a proceeding to adjudicate his
30 paternity before the court has terminated his parental

1 rights.

2 (c) A registrant shall promptly notify the registry in a
3 record of any change in the information registered. The
4 Illinois Department of Children and Family Services shall
5 incorporate all new information received into its records but
6 need not affirmatively seek to obtain current information for
7 incorporation in the registry.

8 Section 403. Notice of proceeding. Notice of a proceeding
9 for the adoption of, or termination of parental rights
10 regarding, a child must be given to a registrant who has timely
11 registered. Notice must be given in a manner prescribed for
12 service of process in a civil action.

13 Section 404. Termination of parental rights: child under
14 under one year of age. The parental rights of a man who may be
15 the father of a child may be terminated without notice if:

16 (1) the child has not attained one year of age at the
17 time of the termination of parental rights;

18 (2) the man did not register timely with the Illinois
19 Department of Children and Family Services; and

20 (3) the man is not exempt from registration under
21 Section 402.

22 Section 405. Termination of parental rights: child at least
23 one year of age.

24 (a) If a child has attained one year of age, notice of a
25 proceeding for adoption of, or termination of parental rights
26 regarding, the child must be given to every alleged father of
27 the child, whether or not he has registered with the Illinois
28 Department of Children and Family Services.

29 (b) Notice must be given in a manner prescribed for service
30 of process in a civil action.

31

1 Section 411. Required form. The Illinois Department of
2 Children and Family Services shall prepare a form for
3 registering with the agency. The form must require the
4 signature of the registrant. The form must state that the form
5 is signed under penalty of perjury. The form must also state
6 that:

7 (1) a timely registration entitles the registrant to
8 notice of a proceeding for adoption of the child or
9 termination of the registrant's parental rights;

10 (2) a timely registration does not commence a
11 proceeding to establish paternity;

12 (3) the information disclosed on the form may be used
13 against the registrant to establish paternity;

14 (4) services to assist in establishing paternity are
15 available to the registrant through the
16 support-enforcement agency;

17 (5) the registrant should also register in another
18 state if conception or birth of the child occurred in the
19 other state;

20 (6) information on registries of other states is
21 available from the Illinois Department of Children and
22 Family Services; and

23 (7) procedures exist to rescind the registration of a
24 claim of paternity.

25 Section 412. Furnishing of information; confidentiality.

26 (a) The Illinois Department of Children and Family
27 Services need not seek to locate the mother of a child who is
28 the subject of a registration, but the Department shall send a
29 copy of the notice of registration to a mother if she has
30 provided an address.

31 (b) Information contained in the registry is confidential
32 and may be released on request only to:

33 (1) a court or a person designated by the court;

34 (2) the mother of the child who is the subject of the
35 registration;

- 1 (3) an agency authorized by other law to receive the
2 information;
- 3 (4) a licensed child-placing agency;
- 4 (5) a support-enforcement agency;
- 5 (6) a party or the party's attorney of record in a
6 proceeding under this Act or in a proceeding for adoption
7 of, or for termination of parental rights regarding, a
8 child who is the subject of the registration; and
- 9 (7) the registry of paternity in another state.

10 Section 413. Penalty for releasing information. An
11 individual commits a Class B misdemeanor if the individual
12 intentionally releases information from the registry to
13 another individual or agency not authorized to receive the
14 information under Section 412.

15 Section 414. Rescission of registration. A registrant may
16 rescind his registration at any time by sending to the registry
17 a rescission in a record signed or otherwise authenticated by
18 him, and witnessed or notarized.

19 Section 415. Untimely registration. If a man registers more
20 than 30 days after the birth of the child, the Illinois
21 Department of Children and Family Services shall notify the
22 registrant that on its face his registration was not filed
23 timely.

24 Section 416. Fees for registry.

25 (a) A fee may not be charged for filing a registration or a
26 rescission of registration.

27 (b) Except as otherwise provided in subsection (c), the
28 Illinois Department of Children and Family Services may charge
29 a reasonable fee for making a search of the registry and for
30 furnishing a certificate.

31 (c) A support-enforcement agency and other appropriate
32 agencies, if any, are not required to pay a fee authorized by

1 subsection (b).

2 PART 3. SEARCH OF REGISTRIES

3 Section 421. Search of appropriate registry.

4 (a) If a father-child relationship has not been established
5 under this Act for a child under one year of age, a petitioner
6 for adoption of, or termination of parental rights regarding,
7 the child, must obtain a certificate of search of the registry
8 of paternity.

9 (b) If a petitioner for adoption of, or termination of
10 parental rights regarding, a child has reason to believe that
11 the conception or birth of the child may have occurred in
12 another state, the petitioner must also obtain a certificate of
13 search from the registry of paternity, if any, in that state.

14 Section 422. Certificate of search of registry.

15 (a) The Illinois Department of Children and Family Services
16 shall furnish to the requester a certificate of search of the
17 registry on request of an individual, court, or agency
18 identified in Section 412.

19 (b) A certificate provided by the Illinois Department of
20 Children and Family Services must be signed on behalf of the
21 State that:

22 (1) a search has been made of the registry; and

23 (2) a registration containing the information required
24 to identify the registrant:

25 (A) has been found and is attached to the
26 certificate of search; or

27 (B) has not been found.

28 (c) A petitioner must file the certificate of search with
29 the court before a proceeding for adoption of, or termination
30 of parental rights regarding, a child may be concluded.

31 ARTICLE 5. GENETIC TESTING

1 Section 501. Scope of Article. This Article governs genetic
2 testing of an individual to determine parentage, whether the
3 individual:

4 (1) voluntarily submits to testing; or

5 (2) is tested pursuant to an order of the court or a
6 support-enforcement agency.

7 Section 502. Order for testing.

8 (a) Except as otherwise provided in this Article and
9 Article 6, the court shall order the child and other designated
10 individuals to submit to genetic testing if the request for
11 testing is supported by the sworn statement of a party to the
12 proceeding:

13 (1) alleging paternity and stating facts establishing
14 a reasonable probability of the requisite sexual contact
15 between the individuals; or

16 (2) denying paternity and stating facts establishing a
17 possibility that sexual contact between the individuals,
18 if any, did not result in the conception of the child.

19 (b) A support-enforcement agency may order genetic testing
20 only if there is no presumed, acknowledged, or adjudicated
21 father.

22 (c) If a request for genetic testing of a child is made
23 before birth, the court or support-enforcement agency may not
24 order in-utero testing.

25 (d) If two or more men are subject to court-ordered genetic
26 testing, the testing may be ordered concurrently or
27 sequentially.

28 Section 503. Requirements for genetic testing.

29 (a) Genetic testing must be of a type reasonably relied
30 upon by experts in the field of genetic testing and performed
31 in a testing laboratory accredited by:

32 (1) the American Association of Blood Banks, or a
33 successor to its functions;

34 (2) the American Society for Histocompatibility and

1 Immunogenetics, or a successor to its functions; or

2 (3) an accrediting body designated by the federal
3 Secretary of Health and Human Services.

4 (b) A specimen used in genetic testing may consist of one
5 or more samples, or a combination of samples, of blood, buccal
6 cells, bone, hair, or other body tissue or fluid. The specimen
7 used in the testing need not be of the same kind for each
8 individual undergoing genetic testing.

9 (c) Based on the ethnic or racial group of an individual,
10 the testing laboratory shall determine the databases from which
11 to select frequencies for use in calculation of the probability
12 of paternity. If there is disagreement as to the testing
13 laboratory's choice, the following rules apply:

14 (1) The individual objecting may require the testing
15 laboratory, within 30 days after receipt of the report of
16 the test, to recalculate the probability of paternity using
17 an ethnic or racial group different from that used by the
18 laboratory.

19 (2) The individual objecting to the testing
20 laboratory's initial choice shall:

21 (A) if the frequencies are not available to the
22 testing laboratory for the ethnic or racial group
23 requested, provide the requested frequencies compiled
24 in a manner recognized by accrediting bodies; or

25 (B) engage another testing laboratory to perform
26 the calculations.

27 (3) The testing laboratory may use its own statistical
28 estimate if there is a question regarding which ethnic or
29 racial group is appropriate. If available, the testing
30 laboratory shall calculate the frequencies using
31 statistics for any other ethnic or racial group requested.

32 (d) If, after recalculation using a different ethnic or
33 racial group, genetic testing does not rebuttably identify a
34 man as the father of a child under Section 505, an individual
35 who has been tested may be required to submit to additional
36 genetic testing.

1 Section 504. Report of genetic testing.

2 (a) A report of genetic testing must be in a record and
3 signed under penalty of perjury by a designee of the testing
4 laboratory. A report made under the requirements of this
5 Article is self-authenticating.

6 (b) Documentation from the testing laboratory of the
7 following information is sufficient to establish a reliable
8 chain of custody that allows the results of genetic testing to
9 be admissible without testimony:

10 (1) the names and photographs of the individuals whose
11 specimens have been taken;

12 (2) the names of the individuals who collected the
13 specimens;

14 (3) the places and dates the specimens were collected;

15 (4) the names of the individuals who received the
16 specimens in the testing laboratory; and

17 (5) the dates the specimens were received.

18 Section 505. Genetic testing results; rebuttal.

19 (a) Under this Act, a man is rebuttably identified as the
20 father of a child if the genetic testing complies with this
21 Article and the results disclose that:

22 (1) the man has at least a 99 percent probability of
23 paternity, using a prior probability of 0.50, as calculated
24 by using the combined paternity index obtained in the
25 testing; and

26 (2) a combined paternity index of at least 100 to 1.

27 (b) A man identified under subsection (a) as the father of
28 the child may rebut the genetic testing results only by other
29 genetic testing satisfying the requirements of this Article
30 which:

31 (1) excludes the man as a genetic father of the child;

32 or

33 (2) identifies another man as the possible father of
34 the child.

1 (c) Except as otherwise provided in Section 510, if more
2 than one man is identified by genetic testing as the possible
3 father of the child, the court shall order them to submit to
4 further genetic testing to identify the genetic father.

5 Section 506. Costs of genetic testing.

6 (a) Subject to assessment of costs under Article 6, the
7 cost of initial genetic testing must be advanced:

8 (1) by a support-enforcement agency in a proceeding in
9 which the support-enforcement agency is providing
10 services;

11 (2) by the individual who made the request;

12 (3) as agreed by the parties; or

13 (4) as ordered by the court.

14 (b) In cases in which the cost is advanced by the
15 support-enforcement agency, the agency may seek reimbursement
16 from a man who is rebuttably identified as the father.

17 Section 507. Additional genetic testing. The court or the
18 support-enforcement agency shall order additional genetic
19 testing upon the request of a party who contests the result of
20 the original testing. If the previous genetic testing
21 identified a man as the father of the child under Section 505,
22 the court or agency may not order additional testing unless the
23 party provides advance payment for the testing.

24 Section 508. Genetic testing when specimens not available.

25 (a) Subject to subsection (b), if a genetic-testing
26 specimen is not available from a man who may be the father of a
27 child, for good cause and under circumstances the court
28 considers to be just, the court may order the following
29 individuals to submit specimens for genetic testing:

30 (1) the parents of the man;

31 (2) brothers and sisters of the man;

32 (3) other children of the man and their mothers; and

33 (4) other relatives of the man necessary to complete

1 genetic testing.

2 (b) Issuance of an order under this Section requires a
3 finding that a need for genetic testing outweighs the
4 legitimate interests of the individual sought to be tested.

5 Section 509. Deceased individual. For good cause shown, the
6 court may order genetic testing of a deceased individual.

7 Section 510. Identical brothers.

8 (a) The court may order genetic testing of a brother of a
9 man identified as the father of a child if the man is commonly
10 believed to have an identical brother and evidence suggests
11 that the brother may be the genetic father of the child.

12 (b) If each brother satisfies the requirements as the
13 identified father of the child under Section 505 without
14 consideration of another identical brother being identified as
15 the father of the child, the court may rely on nongenetic
16 evidence to adjudicate which brother is the father of the
17 child.

18 Section 511. Confidentiality of genetic testing.

19 (a) Release of the report of genetic testing for parentage
20 is controlled by the Genetic Information Privacy Act.

21 (b) An individual who intentionally releases an
22 identifiable specimen of another individual for any purpose
23 other than that relevant to the proceeding regarding parentage
24 without a court order or the written permission of the
25 individual who furnished the specimen commits a Class B
26 misdemeanor.

27 ARTICLE 6. PROCEEDING TO ADJUDICATE PARENTAGE

28 PART 1. NATURE OF PROCEEDING

29 Section 601. Proceeding authorized. A civil proceeding may
30 be maintained to adjudicate the parentage of a child. The

1 proceeding is governed by the Code of Civil Procedure.

2 Section 602. Standing to maintain proceeding. Subject to
3 Article 3 and Sections 607 and 609, a proceeding to adjudicate
4 parentage may be maintained by:

5 (1) the child;

6 (2) the mother of the child;

7 (3) a man whose paternity of the child is to be
8 adjudicated;

9 (4) the support-enforcement agency or other
10 governmental agency authorized by other law;

11 (5) an authorized adoption agency or licensed
12 child-placing agency;

13 (6) a representative authorized by law to act for an
14 individual who would otherwise be entitled to maintain a
15 proceeding but who is deceased, incapacitated, or a minor;
16 or

17 (7) an intended parent under Article 8.

18 Section 603. Parties to proceeding. The following
19 individuals must be joined as parties in a proceeding to
20 adjudicate parentage:

21 (1) the mother of the child; and

22 (2) a man whose paternity of the child is to be
23 adjudicated.

24 Section 604. Personal jurisdiction.

25 (a) An individual may not be adjudicated to be a parent
26 unless the court has personal jurisdiction over the individual.

27 (b) A court of this State having jurisdiction to adjudicate
28 parentage may exercise personal jurisdiction over a
29 nonresident individual, or the guardian or conservator of the
30 individual, if the conditions prescribed in Section 201 of the
31 Uniform Interstate Family Support Act are fulfilled.

32 (c) Lack of jurisdiction over one individual does not
33 preclude the court from making an adjudication of parentage

1 binding on another individual over whom the court has personal
2 jurisdiction.

3 Section 605. Venue. Venue for a proceeding to adjudicate
4 parentage is in the county of this State in which:

- 5 (1) the child resides or is found;
6 (2) the respondent resides or is found if the child
7 does not reside in this State; or
8 (3) a proceeding for probate or administration of the
9 presumed or alleged father's estate has been commenced.

10 Section 606. No limitation: child having no presumed,
11 acknowledged, or adjudicated father. A proceeding to
12 adjudicate the parentage of a child having no presumed,
13 acknowledged, or adjudicated father may be commenced at any
14 time, even after:

- 15 (1) the child becomes an adult, but only if the child
16 initiates the proceeding; or
17 (2) an earlier proceeding to adjudicate paternity has
18 been dismissed based on the application of a statute of
19 limitation then in effect.

20 Section 607. Limitation: child having presumed father.

21 (a) Except as otherwise provided in subsection (b), a
22 proceeding brought by a presumed father, the mother, or another
23 individual to adjudicate the parentage of a child having a
24 presumed father must be commenced not later than two years
25 after the birth of the child.

26 (b) A proceeding seeking to disprove the father-child
27 relationship between a child and the child's presumed father
28 may be maintained at any time if the court determines that:

- 29 (1) the presumed father and the mother of the child
30 neither cohabited nor engaged in sexual intercourse with
31 each other during the probable time of conception; and
32 (2) the presumed father never openly held out the child
33 as his own.

1 Section 608. Authority to deny motion for genetic testing.

2 (a) In a proceeding to adjudicate the parentage of a child
3 having a presumed father or to challenge the paternity of a
4 child having an acknowledged father, the court may deny a
5 motion seeking an order for genetic testing of the mother, the
6 child, and the presumed or acknowledged father if the court
7 determines that:

8 (1) the conduct of the mother or the presumed or
9 acknowledged father stops that party from denying
10 parentage; and

11 (2) it would be inequitable to disprove the
12 father-child relationship between the child and the
13 presumed or acknowledged father.

14 (b) In determining whether to deny a motion seeking an
15 order for genetic testing under this Section, the court shall
16 consider the best interest of the child, including the
17 following factors:

18 (1) the length of time between the proceeding to
19 adjudicate parentage and the time that the presumed or
20 acknowledged father was placed on notice that he might not
21 be the genetic father;

22 (2) the length of time during which the presumed or
23 acknowledged father has assumed the role of father of the
24 child;

25 (3) the facts surrounding the presumed or acknowledged
26 father's discovery of his possible nonpaternity;

27 (4) the nature of the relationship between the child
28 and the presumed or acknowledged father;

29 (5) the age of the child;

30 (6) the harm that may result to the child if presumed
31 or acknowledged paternity is successfully disproved;

32 (7) the nature of the relationship between the child
33 and any alleged father;

34 (8) the extent to which the passage of time reduces the
35 chances of establishing the paternity of another man and a

1 child-support obligation in favor of the child; and

2 (9) other factors that may affect the equities arising
3 from the disruption of the father-child relationship
4 between the child and the presumed or acknowledged father
5 or the chance of other harm to the child.

6 (c) In a proceeding involving the application of this
7 Section, a minor or incapacitated child must be represented by
8 a guardian ad litem.

9 (d) Denial of a motion seeking an order for genetic testing
10 must be based on clear and convincing evidence.

11 (e) If the court denies a motion seeking an order for
12 genetic testing, it shall issue an order adjudicating the
13 presumed or acknowledged father to be the father of the child.

14 Section 609. Limitation: child having acknowledged or
15 adjudicated father.

16 (a) If a child has an acknowledged father, a signatory to
17 the acknowledgment of paternity or denial of paternity may
18 commence a proceeding seeking to rescind the acknowledgement or
19 denial or challenge the paternity of the child only within the
20 time allowed under Section 307 or 308.

21 (b) If a child has an acknowledged father or an adjudicated
22 father, an individual, other than the child, who is neither a
23 signatory to the acknowledgment of paternity nor a party to the
24 adjudication and who seeks an adjudication of paternity of the
25 child must commence a proceeding not later than two years after
26 the effective date of the acknowledgment or adjudication.

27 (c) A proceeding under this Section is subject to the
28 application of the principles of estoppel established in
29 Section 608.

30 Section 610. Joinder of proceedings.

31 (a) Except as otherwise provided in subsection (b), a
32 proceeding to adjudicate parentage may be joined with a
33 proceeding for adoption, termination of parental rights, child
34 custody or visitation, child support, dissolution of marriage,

1 divorce, annulment, legal separation or separate maintenance,
2 probate or administration of an estate, or other appropriate
3 proceeding.

4 (b) A respondent may not join a proceeding described in
5 subsection (a) with a proceeding to adjudicate parentage
6 brought under the Uniform Interstate Family Support Act.

7 Section 611. Proceeding before birth. A proceeding to
8 determine parentage may be commenced before the birth of the
9 child, but may not be concluded until after the birth of the
10 child. The following actions may be taken before the birth of
11 the child:

12 (1) service of process;

13 (2) discovery; and

14 (3) except as prohibited by Section 502, collection of
15 specimens for genetic testing.

16 Section 612. Child as party; representation.

17 (a) A minor child is a permissible party, but is not a
18 necessary party to a proceeding under this Article.

19 (b) The court shall appoint a guardian ad litem to
20 represent a minor or incapacitated child if the child is a
21 party or the court finds that the interests of the child are
22 not adequately represented.

23 PART 2. SPECIAL RULES FOR PROCEEDING TO ADJUDICATE PARENTAGE

24 Section 621. Admissibility of results of genetic testing;
25 expenses.

26 (a) Except as otherwise provided in subsection (c), a
27 record of a genetic-testing expert is admissible as evidence of
28 the truth of the facts asserted in the report unless a party
29 objects to its admission within 14 days after its receipt by
30 the objecting party and cites specific grounds for exclusion.
31 The admissibility of the report is not affected by whether the
32 testing was performed:

1 (1) voluntarily or pursuant to an order of the court or
2 a support-enforcement agency; or

3 (2) before or after the commencement of the proceeding.

4 (b) A party objecting to the results of genetic testing may
5 call one or more genetic-testing experts to testify in person
6 or by telephone, videoconference, deposition, or another
7 method approved by the court. Unless otherwise ordered by the
8 court, the party offering the testimony bears the expense for
9 the expert testifying.

10 (c) If a child has a presumed, acknowledged, or adjudicated
11 father, the results of genetic testing are inadmissible to
12 adjudicate parentage unless performed:

13 (1) with the consent of both the mother and the
14 presumed, acknowledged, or adjudicated father; or

15 (2) pursuant to an order of the court under Section
16 502.

17 (d) Copies of bills for genetic testing and for prenatal
18 and postnatal health care for the mother and child which are
19 furnished to the adverse party not less than 10 days before the
20 date of a hearing are admissible to establish:

21 (1) the amount of the charges billed; and

22 (2) that the charges were reasonable, necessary, and
23 customary.

24 Section 622. Consequences of declining genetic testing.

25 (a) An order for genetic testing is enforceable by
26 contempt.

27 (b) If an individual whose paternity is being determined
28 declines to submit to genetic testing ordered by the court, the
29 court for that reason may adjudicate parentage contrary to the
30 position of that individual.

31 (c) Genetic testing of the mother of a child is not a
32 condition precedent to testing the child and a man whose
33 paternity is being determined. If the mother is unavailable or
34 declines to submit to genetic testing, the court may order the
35 testing of the child and every man whose paternity is being

1 adjudicated.

2 Section 623. Admission of paternity authorized.

3 (a) A respondent in a proceeding to adjudicate parentage
4 may admit to the paternity of a child by filing a pleading to
5 that effect or by admitting paternity under penalty of perjury
6 when making an appearance or during a hearing.

7 (b) If the court finds that the admission of paternity
8 satisfies the requirements of this Section and finds that there
9 is no reason to question the admission, the court shall issue
10 an order adjudicating the child to be the child of the man
11 admitting paternity.

12 Section 624. Temporary order.

13 (a) In a proceeding under this Article, the court shall
14 issue a temporary order for support of a child if the order is
15 appropriate and the individual ordered to pay support is:

16 (1) a presumed father of the child;

17 (2) petitioning to have his paternity adjudicated;

18 (3) identified as the father through genetic testing
19 under Section 505;

20 (4) an alleged father who has declined to submit to
21 genetic testing;

22 (5) shown by clear and convincing evidence to be the
23 father of the child; or

24 (6) the mother of the child.

25 (b) A temporary order may include provisions for custody
26 and visitation as provided by other law of this State.

27 PART 3. HEARINGS AND ADJUDICATION

28 Section 631. Rules for adjudication of paternity. The court
29 shall apply the following rules to adjudicate the paternity of
30 a child:

31 (1) The paternity of a child having a presumed,
32 acknowledged, or adjudicated father may be disproved only

1 by admissible results of genetic testing excluding that man
2 as the father of the child or identifying another man as
3 the father of the child.

4 (2) Unless the results of genetic testing are admitted
5 to rebut other results of genetic testing, a man identified
6 as the father of a child under Section 505 must be
7 adjudicated the father of the child.

8 (3) If the court finds that genetic testing under
9 Section 505 neither identifies nor excludes a man as the
10 father of a child, the court may not dismiss the
11 proceeding. In that event, the results of genetic testing,
12 and other evidence, are admissible to adjudicate the issue
13 of paternity.

14 (4) Unless the results of genetic testing are admitted
15 to rebut other results of genetic testing, a man excluded
16 as the father of a child by genetic testing must be
17 adjudicated not to be the father of the child.

18 Section 632. Jury prohibited. The court, without a jury,
19 shall adjudicate paternity of a child.

20 Section 633. Hearings; inspection of records.

21 (a) On request of a party and for good cause shown, the
22 court may close a proceeding under this Article.

23 (b) A final order in a proceeding under this Article is
24 available for public inspection. Other papers and records are
25 available only with the consent of the parties or on order of
26 the court for good cause.

27 Section 634. Order of default. The court shall issue an
28 order adjudicating the paternity of a man who:

29 (1) after service of process, is in default; and

30 (2) is found by the court to be the father of a child.

31 Section 635. Dismissal for want of prosecution. The court
32 may issue an order dismissing a proceeding commenced under this

1 Act for want of prosecution only without prejudice. An order of
2 dismissal for want of prosecution purportedly with prejudice is
3 void and has only the effect of a dismissal without prejudice.

4 Section 636. Order adjudicating parentage.

5 (a) The court shall issue an order adjudicating whether a
6 man alleged or claiming to be the father is the parent of the
7 child.

8 (b) An order adjudicating parentage must identify the child
9 by name and date of birth.

10 (c) Except as otherwise provided in subsection (d), the
11 court may assess filing fees, reasonable attorney's fees, fees
12 for genetic testing, other costs, and necessary travel and
13 other reasonable expenses incurred in a proceeding under this
14 Article. The court may award attorney's fees, which may be paid
15 directly to the attorney, who may enforce the order in the
16 attorney's own name.

17 (d) The court may not assess fees, costs, or expenses
18 against the support-enforcement agency of this State or another
19 state, except as provided by other law.

20 (e) On request of a party and for good cause shown, the
21 court may order that the name of the child be changed.

22 (f) If the order of the court is at variance with the
23 child's birth certificate, the court shall order the Illinois
24 Department of Public Health to issue an amended birth
25 registration.

26 Section 637. Binding effect of determination of parentage.

27 (a) Except as otherwise provided in subsection (b), a
28 determination of parentage is binding on:

29 (1) all signatories to an acknowledgement or denial of
30 paternity as provided in Article 3; and

31 (2) all parties to an adjudication by a court acting
32 under circumstances that satisfy the jurisdictional
33 requirements of Section 201 of the Uniform Interstate
34 Family Support Act.

1 (b) A child is not bound by a determination of parentage
2 under this Act unless:

3 (1) the determination was based on an unrescinded
4 acknowledgment of paternity and the acknowledgement is
5 consistent with the results of genetic testing;

6 (2) the adjudication of parentage was based on a
7 finding consistent with the results of genetic testing and
8 the consistency is declared in the determination or is
9 otherwise shown; or

10 (3) the child was a party or was represented in the
11 proceeding determining parentage by a guardian ad litem.

12 (c) In a proceeding to dissolve a marriage, the court is
13 deemed to have made an adjudication of the parentage of a child
14 if the court acts under circumstances that satisfy the
15 jurisdictional requirements of Section 201 of the Uniform
16 Interstate Family Support Act, and the final order:

17 (1) expressly identifies a child as a "child of the
18 marriage," "issue of the marriage," or similar words
19 indicating that the husband is the father of the child; or

20 (2) provides for support of the child by the husband
21 unless paternity is specifically disclaimed in the order.

22 (d) Except as otherwise provided in subsection (b), a
23 determination of parentage may be a defense in a subsequent
24 proceeding seeking to adjudicate parentage by an individual who
25 was not a party to the earlier proceeding.

26 (e) A party to an adjudication of paternity may challenge
27 the adjudication only under law of this State relating to
28 appeal, vacation of judgments, or other judicial review.

29 ARTICLE 7. CHILD OF ASSISTED REPRODUCTION

30 Section 701. Scope of Article. This Article does not apply
31 to the birth of a child conceived by means of sexual
32 intercourse, or as the result of a gestational agreement as
33 provided in Article 8.

1 Section 702. Parental status of donor. A donor is not a
2 parent of a child conceived by means of assisted reproduction.

3 Section 703. Paternity of child of assisted reproduction. A
4 man who provides sperm for, or consents to, assisted
5 reproduction by a woman as provided in Section 704 with the
6 intent to be the parent of her child, is a parent of the
7 resulting child.

8 Section 704. Consent to assisted reproduction.

9 (a) Consent by a woman, and a man who intends to be a
10 parent of a child born to the woman by assisted reproduction
11 must be in a record signed by the woman and the man. This
12 requirement does not apply to a donor.

13 (b) Failure of a man to sign a consent required by
14 subsection (a), before or after birth of the child, does not
15 preclude a finding of paternity if the woman and the man,
16 during the first two years of the child's life resided together
17 in the same household with the child and openly held out the
18 child as their own.

19 Section 705. Limitation on husband's dispute of paternity.

20 (a) Except as otherwise provided in subsection (b), the
21 husband of a wife who gives birth to a child by means of
22 assisted reproduction may not challenge his paternity of the
23 child unless:

24 (1) within two years after learning of the birth of the
25 child he commences a proceeding to adjudicate his
26 paternity; and

27 (2) the court finds that he did not consent to the
28 assisted reproduction, before or after birth of the child.

29 (b) A proceeding to adjudicate paternity may be maintained
30 at any time if the court determines that:

31 (1) the husband did not provide sperm for, or before or
32 after the birth of the child consent to, assisted
33 reproduction by his wife;

1 pregnancy by means of assisted reproduction;

2 (2) the prospective gestational mother, her husband if
3 she is married, and the donors relinquish all rights and
4 duties as the parents of a child conceived through assisted
5 reproduction; and

6 (3) the intended parents become the parents of the
7 child.

8 (b) The man and the woman who are the intended parents must
9 both be parties to the gestational agreement.

10 (c) A gestational agreement is enforceable only if
11 validated as provided in Section 803.

12 (d) A gestational agreement does not apply to the birth of
13 a child conceived by means of sexual intercourse.

14 (e) A gestational agreement may provide for payment of
15 consideration.

16 (f) A gestational agreement may not limit the right of the
17 gestational mother to make decisions to safeguard her health or
18 that of the embryos or fetus.

19 Section 802. Requirements of petition.

20 (a) The intended parents and the prospective gestational
21 mother may commence a proceeding in the circuit court to
22 validate a gestational agreement.

23 (b) A proceeding to validate a gestational agreement may
24 not be maintained unless:

25 (1) the mother or the intended parents have been
26 residents of this State for at least 90 days;

27 (2) the prospective gestational mother's husband, if
28 she is married, is joined in the proceeding; and

29 (3) a copy of the gestational agreement is attached to
30 the petition.

31 Section 803. Hearing to validate gestational agreement.

32 (a) If the requirements of subsection (b) are satisfied, a
33 court may issue an order validating the gestational agreement
34 and declaring that the intended parents will be the parents of

1 a child born during the term of the of the agreement.

2 (b) The court may issue an order under subsection (a) only
3 on finding that:

4 (1) the residence requirements of Section 802 have been
5 satisfied and the parties have submitted to the
6 jurisdiction of the court under the jurisdictional
7 standards of this Act;

8 (2) unless waived by the court, the Illinois Department
9 of Children and Family Services has made a home study of
10 the intended parents and the intended parents meet the
11 standards of suitability applicable to adoptive parents;

12 (3) all parties have voluntarily entered into the
13 agreement and understand its terms;

14 (4) adequate provision has been made for all reasonable
15 health-care expense associated with the gestational
16 agreement until the birth of the child, including
17 responsibility for those expenses if the agreement is
18 terminated; and

19 (5) the consideration, if any, paid to the prospective
20 gestational mother is reasonable.

21 Section 804. Inspection of records. The proceedings,
22 records, and identities of the individual parties to a
23 gestational agreement under this Article are subject to
24 inspection under the standards of confidentiality applicable
25 to adoptions as provided under other law of this State.

26 Section 805. Exclusive, continuing jurisdiction. Subject
27 to the jurisdictional standards of Section 201 of the Uniform
28 Child Custody Jurisdiction and Enforcement Act, the court
29 conducting a proceeding under this Article has exclusive,
30 continuing jurisdiction of all matters arising out of the
31 gestational agreement until a child born to the gestational
32 mother during the period governed by the agreement attains the
33 age of 180 days.

1 Section 806. Termination of gestational agreement.

2 (a) After issuance of an order under this Article, but
3 before the prospective gestational mother becomes pregnant by
4 means of assisted reproduction, the prospective gestational
5 mother, her husband, or either of the intended parents may
6 terminate the gestational agreement by giving written notice of
7 termination to all other parties.

8 (b) The court for good cause shown may terminate the
9 gestational agreement.

10 (c) An individual who terminates a gestational agreement
11 shall file notice of the termination with the court. On receipt
12 of the notice, the court shall vacate the order issued under
13 this Article. An individual who does not notify the court of
14 the termination of the agreement is subject to appropriate
15 sanctions.

16 (d) Neither a prospective gestational mother nor her
17 husband, if any, is liable to the intended parents for
18 terminating a gestational agreement pursuant to this Section.

19 Section 807. Parentage under validated gestational
20 agreement.

21 (a) Upon birth of a child to a gestational mother, the
22 intended parents shall file notice with the court that a child
23 has been born to the gestational mother within 300 days after
24 assisted reproduction. Thereupon, the court shall issue an
25 order:

26 (1) confirming that the intended parents are the
27 parents of the child;

28 (2) if necessary, ordering that the child be
29 surrendered to the intended parents; and

30 (3) directing the Illinois Department of Public Health
31 to issue a birth certificate naming the intended parents as
32 parents of the child.

33 (b) If the parentage of a child born to a gestational
34 mother is alleged not to be the result of assisted
35 reproduction, the court shall order genetic testing to

1 determine the parentage of the child.

2 (c) If the intended parents fail to file notice required
3 under subsection (a), the gestational mother or the appropriate
4 State agency may file notice with the court that a child has
5 been born to the gestational mother within 300 days after
6 assisted reproduction. Upon proof of a court order issued
7 pursuant to Section 803 validating the gestational agreement,
8 the court shall order the intended parents are the parents of
9 the child and are financially responsible for the child.

10 Section 808. Gestational agreement: effect of subsequent
11 marriage. After the issuance of an order under this Article,
12 subsequent marriage of the gestational mother does not affect
13 the validity of a gestational agreement, her husband's consent
14 to the agreement is not required, and her husband is not a
15 presumed father of the resulting child.

16 Section 809. Effect of nonvalidated gestational agreement.

17 (a) A gestational agreement, whether in a record or not,
18 that is not judicially validated is not enforceable.

19 (b) If a birth results under a gestational agreement that
20 is not judicially validated as provided in this Article, the
21 parent-child relationship is determined as provided in Article
22 2.

23 (c) Individuals who are parties to a nonvalidated
24 gestational agreement as intended parents may be held liable
25 for support of the resulting child, even if the agreement is
26 otherwise unenforceable. The liability under this subsection
27 includes assessing all expenses and fees as provided in Section
28 636.

29 ARTICLE 9. MISCELLANEOUS PROVISIONS

30 Section 901. Uniformity of application and construction.
31 In applying and construing this Uniform Act, consideration must
32 be given to the need to promote uniformity of the law with

1 respect to its subject matter among states that enact it.

2 Section 902. Severability clause. If any provision of this
3 Act or its application to an individual or circumstance is held
4 invalid, the invalidity does not affect other provisions or
5 applications of this Act which can be given effect without the
6 invalid provision or application, and to this end the
7 provisions of this Act are severable.

8 Section 903. Time of taking effect. (Blank).

9 (750 ILCS 40/Act rep.)

10 (750 ILCS 45/Act rep.)

11 (750 ILCS 50/12a rep.)

12 Section 904. Repeal. The following Acts and parts of Acts
13 are repealed:

14 (1) The Illinois Parentage Act.

15 (2) The Illinois Parentage Act of 1984.

16 (3) Section 12a of the Adoption Act.

17 Section 905. Transitional provision. A proceeding to
18 adjudicate parentage which was commenced before the effective
19 date of this Act is governed by the law in effect at the time
20 the proceeding was commenced.

21 Section 905.1. The Department of Employment Security Law of
22 the Civil Administrative Code of Illinois is amended by
23 changing Section 1005-130 as follows:

24 (20 ILCS 1005/1005-130) (was 20 ILCS 1005/43a.14)

25 Sec. 1005-130. Exchange of information for child support
26 enforcement.

27 (a) The Department has the power to exchange with the
28 Illinois Department of Public Aid information that may be
29 necessary for the enforcement of child support orders entered
30 pursuant to the Illinois Public Aid Code, the Illinois Marriage

1 and Dissolution of Marriage Act, the Non-Support of Spouse and
2 Children Act, the Non-Support Punishment Act, the Revised
3 Uniform Reciprocal Enforcement of Support Act, the Uniform
4 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
5 1984, or the Uniform Parentage Act (2000).

6 (b) Notwithstanding any provisions in the Civil
7 Administrative Code of Illinois to the contrary, the Department
8 of Employment Security shall not be liable to any person for
9 any disclosure of information to the Illinois Department of
10 Public Aid under subsection (a) or for any other action taken
11 in good faith to comply with the requirements of subsection
12 (a).

13 (Source: P.A. 91-239, eff. 1-1-00; 91-613, eff. 10-1-99; 92-16,
14 eff. 6-28-01.)

15 Section 905.2. The Department of Professional Regulation
16 Law of the Civil Administrative Code of Illinois is amended by
17 changing Section 2105-15 as follows:

18 (20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)

19 Sec. 2105-15. General powers and duties.

20 (a) The Department has, subject to the provisions of the
21 Civil Administrative Code of Illinois, the following powers and
22 duties:

23 (1) To authorize examinations in English to ascertain
24 the qualifications and fitness of applicants to exercise
25 the profession, trade, or occupation for which the
26 examination is held.

27 (2) To prescribe rules and regulations for a fair and
28 wholly impartial method of examination of candidates to
29 exercise the respective professions, trades, or
30 occupations.

31 (3) To pass upon the qualifications of applicants for
32 licenses, certificates, and authorities, whether by
33 examination, by reciprocity, or by endorsement.

34 (4) To prescribe rules and regulations defining, for

1 the respective professions, trades, and occupations, what
2 shall constitute a school, college, or university, or
3 department of a university, or other institution,
4 reputable and in good standing, and to determine the
5 reputability and good standing of a school, college, or
6 university, or department of a university, or other
7 institution, reputable and in good standing, by reference
8 to a compliance with those rules and regulations; provided,
9 that no school, college, or university, or department of a
10 university, or other institution that refuses admittance
11 to applicants solely on account of race, color, creed, sex,
12 or national origin shall be considered reputable and in
13 good standing.

14 (5) To conduct hearings on proceedings to revoke,
15 suspend, refuse to renew, place on probationary status, or
16 take other disciplinary action as authorized in any
17 licensing Act administered by the Department with regard to
18 licenses, certificates, or authorities of persons
19 exercising the respective professions, trades, or
20 occupations and to revoke, suspend, refuse to renew, place
21 on probationary status, or take other disciplinary action
22 as authorized in any licensing Act administered by the
23 Department with regard to those licenses, certificates, or
24 authorities. The Department shall issue a monthly
25 disciplinary report. The Department shall deny any license
26 or renewal authorized by the Civil Administrative Code of
27 Illinois to any person who has defaulted on an educational
28 loan or scholarship provided by or guaranteed by the
29 Illinois Student Assistance Commission or any governmental
30 agency of this State; however, the Department may issue a
31 license or renewal if the aforementioned persons have
32 established a satisfactory repayment record as determined
33 by the Illinois Student Assistance Commission or other
34 appropriate governmental agency of this State.
35 Additionally, beginning June 1, 1996, any license issued by
36 the Department may be suspended or revoked if the

1 Department, after the opportunity for a hearing under the
2 appropriate licensing Act, finds that the licensee has
3 failed to make satisfactory repayment to the Illinois
4 Student Assistance Commission for a delinquent or
5 defaulted loan. For the purposes of this Section,
6 "satisfactory repayment record" shall be defined by rule.
7 The Department shall refuse to issue or renew a license to,
8 or shall suspend or revoke a license of, any person who,
9 after receiving notice, fails to comply with a subpoena or
10 warrant relating to a paternity or child support
11 proceeding. However, the Department may issue a license or
12 renewal upon compliance with the subpoena or warrant.

13 The Department, without further process or hearings,
14 shall revoke, suspend, or deny any license or renewal
15 authorized by the Civil Administrative Code of Illinois to
16 a person who is certified by the Illinois Department of
17 Public Aid as being more than 30 days delinquent in
18 complying with a child support order or who is certified by
19 a court as being in violation of the Non-Support Punishment
20 Act for more than 60 days. The Department may, however,
21 issue a license or renewal if the person has established a
22 satisfactory repayment record as determined by the
23 Illinois Department of Public Aid or if the person is
24 determined by the court to be in compliance with the
25 Non-Support Punishment Act. The Department may implement
26 this paragraph as added by Public Act 89-6 through the use
27 of emergency rules in accordance with Section 5-45 of the
28 Illinois Administrative Procedure Act. For purposes of the
29 Illinois Administrative Procedure Act, the adoption of
30 rules to implement this paragraph shall be considered an
31 emergency and necessary for the public interest, safety,
32 and welfare.

33 (6) To transfer jurisdiction of any realty under the
34 control of the Department to any other department of the
35 State Government or to acquire or accept federal lands when
36 the transfer, acquisition, or acceptance is advantageous

1 to the State and is approved in writing by the Governor.

2 (7) To formulate rules and regulations necessary for
3 the enforcement of any Act administered by the Department.

4 (8) To exchange with the Illinois Department of Public
5 Aid information that may be necessary for the enforcement
6 of child support orders entered pursuant to the Illinois
7 Public Aid Code, the Illinois Marriage and Dissolution of
8 Marriage Act, the Non-Support of Spouse and Children Act,
9 the Non-Support Punishment Act, the Revised Uniform
10 Reciprocal Enforcement of Support Act, the Uniform
11 Interstate Family Support Act, ~~or~~ the Illinois Parentage
12 Act of 1984, or the Uniform Parentage Act (2000).

13 Notwithstanding any provisions in this Code to the
14 contrary, the Department of Professional Regulation shall
15 not be liable under any federal or State law to any person
16 for any disclosure of information to the Illinois
17 Department of Public Aid under this paragraph (8) or for
18 any other action taken in good faith to comply with the
19 requirements of this paragraph (8).

20 (9) To perform other duties prescribed by law.

21 (b) The Department may, when a fee is payable to the
22 Department for a wall certificate of registration provided by
23 the Department of Central Management Services, require that
24 portion of the payment for printing and distribution costs be
25 made directly or through the Department to the Department of
26 Central Management Services for deposit into the Paper and
27 Printing Revolving Fund. The remainder shall be deposited into
28 the General Revenue Fund.

29 (c) For the purpose of securing and preparing evidence, and
30 for the purchase of controlled substances, professional
31 services, and equipment necessary for enforcement activities,
32 recoupment of investigative costs, and other activities
33 directed at suppressing the misuse and abuse of controlled
34 substances, including those activities set forth in Sections
35 504 and 508 of the Illinois Controlled Substances Act, the
36 Director and agents appointed and authorized by the Director

1 may expend sums from the Professional Regulation Evidence Fund
2 that the Director deems necessary from the amounts appropriated
3 for that purpose. Those sums may be advanced to the agent when
4 the Director deems that procedure to be in the public interest.
5 Sums for the purchase of controlled substances, professional
6 services, and equipment necessary for enforcement activities
7 and other activities as set forth in this Section shall be
8 advanced to the agent who is to make the purchase from the
9 Professional Regulation Evidence Fund on vouchers signed by the
10 Director. The Director and those agents are authorized to
11 maintain one or more commercial checking accounts with any
12 State banking corporation or corporations organized under or
13 subject to the Illinois Banking Act for the deposit and
14 withdrawal of moneys to be used for the purposes set forth in
15 this Section; provided, that no check may be written nor any
16 withdrawal made from any such account except upon the written
17 signatures of 2 persons designated by the Director to write
18 those checks and make those withdrawals. Vouchers for those
19 expenditures must be signed by the Director. All such
20 expenditures shall be audited by the Director, and the audit
21 shall be submitted to the Department of Central Management
22 Services for approval.

23 (d) Whenever the Department is authorized or required by
24 law to consider some aspect of criminal history record
25 information for the purpose of carrying out its statutory
26 powers and responsibilities, then, upon request and payment of
27 fees in conformance with the requirements of Section 2605-400
28 of the Department of State Police Law (20 ILCS 2605/2605-400),
29 the Department of State Police is authorized to furnish,
30 pursuant to positive identification, the information contained
31 in State files that is necessary to fulfill the request.

32 (e) The provisions of this Section do not apply to private
33 business and vocational schools as defined by Section 1 of the
34 Private Business and Vocational Schools Act.

35 (f) Beginning July 1, 1995, this Section does not apply to
36 those professions, trades, and occupations licensed under the

1 Real Estate License Act of 2000, nor does it apply to any
2 permits, certificates, or other authorizations to do business
3 provided for in the Land Sales Registration Act of 1989 or the
4 Illinois Real Estate Time-Share Act.

5 (Source: P.A. 91-239, eff. 1-1-00; 91-245, eff. 12-31-99;
6 91-613, eff. 10-1-99; 92-16, eff. 6-28-01.)

7 Section 905.3. The Department of Revenue Law of the Civil
8 Administrative Code of Illinois is amended by changing Section
9 2505-65 as follows:

10 (20 ILCS 2505/2505-65) (was 20 ILCS 2505/39b12)

11 Sec. 2505-65. Exchange of information.

12 (a) The Department has the power to exchange with any
13 state, with any local subdivisions of any state, or with the
14 federal government, except when specifically prohibited by
15 law, any information that may be necessary to efficient tax
16 administration and that may be acquired as a result of the
17 administration of the laws set forth in the Sections following
18 Section 95-10 and preceding Section 2505-60.

19 (b) The Department has the power to exchange with the
20 Illinois Department of Public Aid information that may be
21 necessary for the enforcement of child support orders entered
22 pursuant to the Illinois Public Aid Code, the Illinois Marriage
23 and Dissolution of Marriage Act, the Non-Support of Spouse and
24 Children Act, the Non-Support Punishment Act, the Revised
25 Uniform Reciprocal Enforcement of Support Act, the Uniform
26 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
27 1984, or the Uniform Parentage Act (2000). Notwithstanding any
28 provisions in this Code to the contrary, the Department of
29 Revenue shall not be liable to any person for any disclosure of
30 information to the Illinois Department of Public Aid under this
31 subsection (b) or for any other action taken in good faith to
32 comply with the requirements of this subsection (b).

33 (Source: P.A. 91-239, eff. 1-1-00; 91-613, eff. 10-1-99; 92-16,
34 eff. 6-28-01.)

1 Section 905.4. The Counties Code is amended by changing
2 Section 3-5036.5 as follows:

3 (55 ILCS 5/3-5036.5)

4 Sec. 3-5036.5. Exchange of information for child support
5 enforcement.

6 (a) The Recorder shall exchange with the Illinois
7 Department of Public Aid information that may be necessary for
8 the enforcement of child support orders entered pursuant to the
9 Illinois Public Aid Code, the Illinois Marriage and Dissolution
10 of Marriage Act, the Non-Support of Spouse and Children Act,
11 the Non-Support Punishment Act, the Revised Uniform Reciprocal
12 Enforcement of Support Act, the Uniform Interstate Family
13 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the
14 Uniform Parentage Act (2000).

15 (b) Notwithstanding any provisions in this Code to the
16 contrary, the Recorder shall not be liable to any person for
17 any disclosure of information to the Illinois Department of
18 Public Aid under subsection (a) or for any other action taken
19 in good faith to comply with the requirements of subsection
20 (a).

21 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

22 Section 905.5. The Collection Agency Act is amended by
23 changing Section 2.04 as follows:

24 (225 ILCS 425/2.04) (from Ch. 111, par. 2005.1)

25 (Section scheduled to be repealed on January 1, 2006)

26 Sec. 2.04. Child support indebtedness.

27 (a) Persons, associations, partnerships, or corporations
28 engaged in the business of collecting child support
29 indebtedness owing under a court order as provided under the
30 Illinois Public Aid Code, the Illinois Marriage and Dissolution
31 of Marriage Act, the Non-Support of Spouse and Children Act,
32 the Non-Support Punishment Act, the Illinois Parentage Act of

1 1984, the Uniform Parentage Act (2000), or similar laws of
2 other states are not restricted (i) in the frequency of contact
3 with an obligor who is in arrears, whether by phone, mail, or
4 other means, (ii) from contacting the employer of an obligor
5 who is in arrears, (iii) from publishing or threatening to
6 publish a list of obligors in arrears, (iv) from disclosing or
7 threatening to disclose an arrearage that the obligor disputes,
8 but for which a verified notice of delinquency has been served
9 under the Income Withholding for Support Act (or any of its
10 predecessors, Section 10-16.2 of the Illinois Public Aid Code,
11 Section 706.1 of the Illinois Marriage and Dissolution of
12 Marriage Act, Section 4.1 of the Non-Support of Spouse and
13 Children Act, Section 26.1 of the Revised Uniform Reciprocal
14 Enforcement of Support Act, or Section 20 of the Illinois
15 Parentage Act of 1984), or (v) from engaging in conduct that
16 would not cause a reasonable person mental or physical illness.
17 For purposes of this subsection, "obligor" means an individual
18 who owes a duty to make periodic payments, under a court order,
19 for the support of a child. "Arrearage" means the total amount
20 of an obligor's unpaid child support obligations.

21 (a-5) A collection agency may not impose a fee or charge,
22 including costs, for any child support payments collected
23 through the efforts of a federal, State, or local government
24 agency, including but not limited to child support collected
25 from federal or State tax refunds, unemployment benefits, or
26 Social Security benefits.

27 No collection agency that collects child support payments
28 shall (i) impose a charge or fee, including costs, for
29 collection of a current child support payment, (ii) fail to
30 apply collections to current support as specified in the order
31 for support before applying collection to arrears or other
32 amounts, or (iii) designate a current child support payment as
33 arrears or other amount owed. In all circumstances, the
34 collection agency shall turn over to the obligee all support
35 collected in a month up to the amount of current support
36 required to be paid for that month.

1 As to any fees or charges, including costs, retained by the
2 collection agency, that agency shall provide documentation to
3 the obligee demonstrating that the child support payments
4 resulted from the actions of the agency.

5 After collection of the total amount or arrearage,
6 including statutory interest, due as of the date of execution
7 of the collection contract, no further fees may be charged.

8 (a-10) The Department of Professional Regulation shall
9 determine a fee rate of not less than 25% but not greater than
10 35%, based upon presentation by the licensees as to costs to
11 provide the service and a fair rate of return. This rate shall
12 be established by administrative rule.

13 Without prejudice to the determination by the Department of
14 the appropriate rate through administrative rule, a collection
15 agency shall impose a fee of not more than 29% of the amount of
16 child support actually collected by the collection agency
17 subject to the provisions of subsection (a-5). This interim
18 rate is based upon the March 2002 General Account Office report
19 "Child Support Enforcement", GAO-02-349. This rate shall apply
20 until a fee rate is established by administrative rule.

21 (b) The Department shall adopt rules necessary to
22 administer and enforce the provisions of this Section.

23 (Source: P.A. 93-896, eff. 8-10-04.)

24 Section 905.6. The Illinois Public Aid Code is amended by
25 changing Sections 10-3.1, 10-17.7, 10-19, 10-25, 10-25.5, and
26 12-4.7c as follows:

27 (305 ILCS 5/10-3.1) (from Ch. 23, par. 10-3.1)

28 Sec. 10-3.1. Child and Spouse Support Unit. The Illinois
29 Department shall establish within its administrative staff a
30 Child and Spouse Support Unit to search for and locate absent
31 parents and spouses liable for the support of persons resident
32 in this State and to exercise the support enforcement powers
33 and responsibilities assigned the Department by this Article.
34 The unit shall cooperate with all law enforcement officials in

1 this State and with the authorities of other States in locating
2 persons responsible for the support of persons resident in
3 other States and shall invite the cooperation of these
4 authorities in the performance of its duties.

5 In addition to other duties assigned the Child and Spouse
6 Support Unit by this Article, the Unit may refer to the
7 Attorney General or units of local government with the approval
8 of the Attorney General, any actions under Sections 10-10 and
9 10-15 for judicial enforcement of the support liability. The
10 Child and Spouse Support Unit shall act for the Department in
11 referring to the Attorney General support matters requiring
12 judicial enforcement under other laws. If requested by the
13 Attorney General to so act, as provided in Section 12-16,
14 attorneys of the Unit may assist the Attorney General or
15 themselves institute actions in behalf of the Illinois
16 Department under the Revised Uniform Reciprocal Enforcement of
17 Support Act; under the Illinois Parentage Act of 1984 or under
18 the Uniform Parentage Act (2000); under the Non-Support of
19 Spouse and Children Act; under the Non-Support Punishment Act;
20 or under any other law, State or Federal, providing for support
21 of a spouse or dependent child.

22 The Illinois Department shall also have the authority to
23 enter into agreements with local governmental units or
24 individuals, with the approval of the Attorney General, for the
25 collection of moneys owing because of the failure of a parent
26 to make child support payments for any child receiving services
27 under this Article. Such agreements may be on a contingent fee
28 basis, but such contingent fee shall not exceed 25% of the
29 total amount collected.

30 An attorney who provides representation pursuant to this
31 Section shall represent the Illinois Department exclusively.
32 Regardless of the designation of the plaintiff in an action
33 brought pursuant to this Section, an attorney-client
34 relationship does not exist for purposes of that action between
35 that attorney and (i) an applicant for or recipient of child
36 support enforcement services or (ii) any other party to the

1 action other than the Illinois Department. Nothing in this
2 Section shall be construed to modify any power or duty
3 (including a duty to maintain confidentiality) of the Child and
4 Spouse Support Unit or the Illinois Department otherwise
5 provided by law.

6 The Illinois Department may also enter into agreements with
7 local governmental units for the Child and Spouse Support Unit
8 to exercise the investigative and enforcement powers
9 designated in this Article, including the issuance of
10 administrative orders under Section 10-11, in locating
11 responsible relatives and obtaining support for persons
12 applying for or receiving aid under Article VI. Payments for
13 defrayment of administrative costs and support payments
14 obtained shall be deposited into the DHS Recoveries Trust Fund.
15 Support payments shall be paid over to the General Assistance
16 Fund of the local governmental unit at such time or times as
17 the agreement may specify.

18 With respect to those cases in which it has support
19 enforcement powers and responsibilities under this Article,
20 the Illinois Department may provide by rule for periodic or
21 other review of each administrative and court order for support
22 to determine whether a modification of the order should be
23 sought. The Illinois Department shall provide for and conduct
24 such review in accordance with any applicable federal law and
25 regulation.

26 As part of its process for review of orders for support,
27 the Illinois Department, through written notice, may require
28 the responsible relative to disclose his or her Social Security
29 Number and past and present information concerning the
30 relative's address, employment, gross wages, deductions from
31 gross wages, net wages, bonuses, commissions, number of
32 dependent exemptions claimed, individual and dependent health
33 insurance coverage, and any other information necessary to
34 determine the relative's ability to provide support in a case
35 receiving child support enforcement services under this
36 Article X.

1 The Illinois Department may send a written request for the
2 same information to the relative's employer. The employer shall
3 respond to the request for information within 15 days after the
4 date the employer receives the request. If the employer
5 willfully fails to fully respond within the 15-day period, the
6 employer shall pay a penalty of \$100 for each day that the
7 response is not provided to the Illinois Department after the
8 15-day period has expired. The penalty may be collected in a
9 civil action which may be brought against the employer in favor
10 of the Illinois Department.

11 A written request for information sent to an employer
12 pursuant to this Section shall consist of (i) a citation of
13 this Section as the statutory authority for the request and for
14 the employer's obligation to provide the requested
15 information, (ii) a returnable form setting forth the
16 employer's name and address and listing the name of the
17 employee with respect to whom information is requested, and
18 (iii) a citation of this Section as the statutory authority
19 authorizing the employer to withhold a fee of up to \$20 from
20 the wages or income to be paid to each responsible relative for
21 providing the information to the Illinois Department within the
22 15-day period. If the employer is withholding support payments
23 from the responsible relative's income pursuant to an order for
24 withholding, the employer may withhold the fee provided for in
25 this Section only after withholding support as required under
26 the order. Any amounts withheld from the responsible relative's
27 income for payment of support and the fee provided for in this
28 Section shall not be in excess of the amounts permitted under
29 the federal Consumer Credit Protection Act.

30 In a case receiving child support enforcement services, the
31 Illinois Department may request and obtain information from a
32 particular employer under this Section no more than once in any
33 12-month period, unless the information is necessary to conduct
34 a review of a court or administrative order for support at the
35 request of the person receiving child support enforcement
36 services.

1 The Illinois Department shall establish and maintain an
2 administrative unit to receive and transmit to the Child and
3 Spouse Support Unit information supplied by persons applying
4 for or receiving child support enforcement services under
5 Section 10-1. In addition, the Illinois Department shall
6 address and respond to any alleged deficiencies that persons
7 receiving or applying for services from the Child and Spouse
8 Support Unit may identify concerning the Child and Spouse
9 Support Unit's provision of child support enforcement
10 services. Within 60 days after an action or failure to act by
11 the Child and Spouse Support Unit that affects his or her case,
12 a recipient of or applicant for child support enforcement
13 services under Article X of this Code may request an
14 explanation of the Unit's handling of the case. At the
15 requestor's option, the explanation may be provided either
16 orally in an interview, in writing, or both. If the Illinois
17 Department fails to respond to the request for an explanation
18 or fails to respond in a manner satisfactory to the applicant
19 or recipient within 30 days from the date of the request for an
20 explanation, the applicant or recipient may request a
21 conference for further review of the matter by the Office of
22 the Administrator of the Child and Spouse Support Unit. A
23 request for a conference may be submitted at any time within 60
24 days after the explanation has been provided by the Child and
25 Spouse Support Unit or within 60 days after the time for
26 providing the explanation has expired.

27 The applicant or recipient may request a conference
28 concerning any decision denying or terminating child support
29 enforcement services under Article X of this Code, and the
30 applicant or recipient may also request a conference concerning
31 the Unit's failure to provide services or the provision of
32 services in an amount or manner that is considered inadequate.
33 For purposes of this Section, the Child and Spouse Support Unit
34 includes all local governmental units or individuals with whom
35 the Illinois Department has contracted under Section 10-3.1.

36 Upon receipt of a timely request for a conference, the

1 Office of the Administrator shall review the case. The
2 applicant or recipient requesting the conference shall be
3 entitled, at his or her option, to appear in person or to
4 participate in the conference by telephone. The applicant or
5 recipient requesting the conference shall be entitled to be
6 represented and to be afforded a reasonable opportunity to
7 review the Illinois Department's file before or at the
8 conference. At the conference, the applicant or recipient
9 requesting the conference shall be afforded an opportunity to
10 present all relevant matters in support of his or her claim.
11 Conferences shall be without cost to the applicant or recipient
12 requesting the conference and shall be conducted by a
13 representative of the Child or Spouse Support Unit who did not
14 participate in the action or inaction being reviewed.

15 The Office of the Administrator shall conduct a conference
16 and inform all interested parties, in writing, of the results
17 of the conference within 60 days from the date of filing of the
18 request for a conference.

19 In addition to its other powers and responsibilities
20 established by this Article, the Child and Spouse Support Unit
21 shall conduct an annual assessment of each institution's
22 program for institution based paternity establishment under
23 Section 12 of the Vital Records Act.

24 (Source: P.A. 91-24, eff. 7-1-99; 91-613, eff. 10-1-99; 92-16,
25 eff. 6-28-01; 92-590, eff. 7-1-02.)

26 (305 ILCS 5/10-17.7)

27 Sec. 10-17.7. Administrative determination of paternity.
28 The Illinois Department may provide by rule for the
29 administrative determination of paternity by the Child and
30 Spouse Support Unit in cases involving applicants for or
31 recipients of financial aid under Article IV of this Act and
32 other persons who are given access to the child support
33 enforcement services of this Article as provided in Section
34 10-1, including persons similarly situated and receiving
35 similar services in other states. The rules shall extend to

1 cases in which the mother and alleged father voluntarily
2 acknowledge paternity in the form required by the Illinois
3 Department or agree to be bound by the results of genetic
4 testing or in which the alleged father has failed to respond to
5 a notification of support obligation issued under Section 10-4
6 and to cases of contested paternity. Any presumption provided
7 for under the Illinois Parentage Act of 1984 or under the
8 Uniform Parentage Act (2000) shall apply to cases in which
9 paternity is determined under the rules of the Illinois
10 Department. The rules shall provide for notice and an
11 opportunity to be heard by the responsible relative and the
12 person receiving child support enforcement services under this
13 Article if paternity is not voluntarily acknowledged, and any
14 final administrative decision rendered by the Illinois
15 Department shall be reviewed only under and in accordance with
16 the Administrative Review Law. Determinations of paternity
17 made by the Illinois Department under the rules authorized by
18 this Section shall have the full force and effect of a court
19 judgment of paternity entered under the Illinois Parentage Act
20 of 1984 or under the Uniform Parentage Act (2000).

21 In determining paternity in contested cases, the Illinois
22 Department shall conduct the evidentiary hearing in accordance
23 with Article 6 of the Uniform Parentage Act (2000) ~~Section 11~~
24 ~~of the Parentage Act of 1984~~, except that references in that
25 Article ~~Section~~ to "the court" shall be deemed to mean the
26 Illinois Department's hearing officer in cases in which
27 paternity is determined administratively by the Illinois
28 Department.

29 Notwithstanding any other provision of this Article, a
30 default determination of paternity may be made if service of
31 the notice under Section 10-4 was made by publication under the
32 rules for administrative paternity determination authorized by
33 this Section. The rules as they pertain to service by
34 publication shall (i) be based on the provisions of Section
35 2-206 and 2-207 of the Code of Civil Procedure, (ii) provide
36 for service by publication in cases in which the whereabouts of

1 the alleged father are unknown after diligent location efforts
2 by the Child and Spouse Support Unit, and (iii) provide for
3 publication of a notice of default paternity determination in
4 the same manner that the notice under Section 10-4 was
5 published.

6 The Illinois Department may implement this Section through
7 the use of emergency rules in accordance with Section 5-45 of
8 the Illinois Administrative Procedure Act. For purposes of the
9 Illinois Administrative Procedure Act, the adoption of rules to
10 implement this Section shall be considered an emergency and
11 necessary for the public interest, safety, and welfare.

12 (Source: P.A. 92-590, eff. 7-1-02.)

13 (305 ILCS 5/10-19) (from Ch. 23, par. 10-19)

14 Sec. 10-19. Support Payments Ordered Under Other Laws;
15 where deposited. The Illinois Department and local
16 governmental units are authorized to receive payments directed
17 by court order for the support of recipients, as provided in
18 the following Acts:

19 1. "Non-Support of Spouse and Children Act", approved June
20 24, 1915, as amended,

21 1.5. The Non-Support Punishment Act,

22 2. "Illinois Marriage and Dissolution of Marriage Act", as
23 now or hereafter amended,

24 3. The Illinois Parentage Act, as amended,

25 3.5. The Uniform Parentage Act (2000),

26 4. "Revised Uniform Reciprocal Enforcement of Support
27 Act", approved August 28, 1969, as amended,

28 5. The Juvenile Court Act or the Juvenile Court Act of
29 1987, as amended,

30 6. The "Unified Code of Corrections", approved July 26,
31 1972, as amended,

32 7. Part 7 of Article XII of the Code of Civil Procedure, as
33 amended,

34 8. Part 8 of Article XII of the Code of Civil Procedure, as
35 amended, and

1 9. Other laws which may provide by judicial order for
2 direct payment of support moneys.

3 Payments under this Section to the Illinois Department
4 pursuant to the Child Support Enforcement Program established
5 by Title IV-D of the Social Security Act shall be paid into the
6 Child Support Enforcement Trust Fund. All payments under this
7 Section to the Illinois Department of Human Services shall be
8 deposited in the DHS Recoveries Trust Fund. Disbursements from
9 these funds shall be as provided in Sections 12-9.1 and 12-10.2
10 of this Code. Payments received by a local governmental unit
11 shall be deposited in that unit's General Assistance Fund.

12 To the extent the provisions of this Section are
13 inconsistent with the requirements pertaining to the State
14 Disbursement Unit under Sections 10-10.4 and 10-26 of this
15 Code, the requirements pertaining to the State Disbursement
16 Unit shall apply.

17 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 91-613,
18 eff. 10-1-99; 92-16, eff. 6-28-01.)

19 (305 ILCS 5/10-25)

20 Sec. 10-25. Administrative liens and levies on real
21 property for past-due child support.

22 (a) The State shall have a lien on all legal and equitable
23 interests of responsible relatives in their real property in
24 the amount of past-due child support owing pursuant to an order
25 for child support entered under Sections 10-10 and 10-11 of
26 this Code, or under the Illinois Marriage and Dissolution of
27 Marriage Act, the Non-Support of Spouse and Children Act, the
28 Non-Support Punishment Act, the Uniform Interstate Family
29 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the
30 Uniform Parentage Act (2000).

31 (b) The Illinois Department shall provide by rule for
32 notice to and an opportunity to be heard by each responsible
33 relative affected, and any final administrative decision
34 rendered by the Illinois Department shall be reviewed only
35 under and in accordance with the Administrative Review Law.

1 (c) When enforcing a lien under subsection (a) of this
2 Section, the Illinois Department shall have the authority to
3 execute notices of administrative liens and levies, which shall
4 contain the name and address of the responsible relative, a
5 legal description of the real property to be levied, the fact
6 that a lien is being claimed for past-due child support, and
7 such other information as the Illinois Department may by rule
8 prescribe. The Illinois Department shall record the notice of
9 lien with the recorder or registrar of titles of the county or
10 counties in which the real estate is located.

11 (d) The State's lien under subsection (a) shall be
12 enforceable upon the recording or filing of a notice of lien
13 with the recorder or registrar of titles of the county or
14 counties in which the real estate is located. The lien shall be
15 prior to any lien thereafter recorded or filed and shall be
16 notice to a subsequent purchaser, assignor, or encumbrancer of
17 the existence and nature of the lien. The lien shall be
18 inferior to the lien of general taxes, special assessment, and
19 special taxes heretofore or hereafter levied by any political
20 subdivision or municipal corporation of the State.

21 In the event that title to the land to be affected by the
22 notice of lien is registered under the Registered Titles
23 (Torrens) Act, the notice shall be filed in the office of the
24 registrar of titles as a memorial or charge upon each folium of
25 the register of titles affected by the notice; but the State
26 shall not have a preference over the rights of any bona fide
27 purchaser, mortgagee, judgment creditor, or other lien holders
28 registered prior to the registration of the notice.

29 (e) The recorder or registrar of titles of each county
30 shall procure a file labeled "Child Support Lien Notices" and
31 an index book labeled "Child Support Lien Notices". When notice
32 of any lien is presented to the recorder or registrar of titles
33 for filing, the recorder or registrar of titles shall file it
34 in numerical order in the file and shall enter it
35 alphabetically in the index. The entry shall show the name and
36 last known address of the person named in the notice, the

1 serial number of the notice, the date and hour of filing, and
2 the amount of child support due at the time when the lien is
3 filed.

4 (f) The Illinois Department shall not be required to
5 furnish bond or make a deposit for or pay any costs or fees of
6 any court or officer thereof in any legal proceeding involving
7 the lien.

8 (g) To protect the lien of the State for past-due child
9 support, the Illinois Department may, from funds that are
10 available for that purpose, pay or provide for the payment of
11 necessary or essential repairs, purchase tax certificates, pay
12 balances due on land contracts, or pay or cause to be satisfied
13 any prior liens on the property to which the lien hereunder
14 applies.

15 (h) A lien on real property under this Section shall be
16 released pursuant to Section 12-101 of the Code of Civil
17 Procedure.

18 (i) The Illinois Department, acting in behalf of the State,
19 may foreclose the lien in a judicial proceeding to the same
20 extent and in the same manner as in the enforcement of other
21 liens. The process, practice, and procedure for the foreclosure
22 shall be the same as provided in the Code of Civil Procedure.

23 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

24 (305 ILCS 5/10-25.5)

25 Sec. 10-25.5. Administrative liens and levies on personal
26 property for past-due child support.

27 (a) The State shall have a lien on all legal and equitable
28 interests of responsible relatives in their personal property,
29 including any account in a financial institution as defined in
30 Section 10-24, or in the case of an insurance company or
31 benefit association only in accounts as defined in Section
32 10-24, in the amount of past-due child support owing pursuant
33 to an order for child support entered under Sections 10-10 and
34 10-11 of this Code, or under the Illinois Marriage and
35 Dissolution of Marriage Act, the Non-Support of Spouse and

1 Children Act, the Non-Support Punishment Act, the Uniform
2 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
3 1984, or the Uniform Parentage Act (2000).

4 (b) The Illinois Department shall provide by rule for
5 notice to and an opportunity to be heard by each responsible
6 relative affected, and any final administrative decision
7 rendered by the Illinois Department shall be reviewed only
8 under and in accordance with the Administrative Review Law.

9 (c) When enforcing a lien under subsection (a) of this
10 Section, the Illinois Department shall have the authority to
11 execute notices of administrative liens and levies, which shall
12 contain the name and address of the responsible relative, a
13 description of the property to be levied, the fact that a lien
14 is being claimed for past-due child support, and such other
15 information as the Illinois Department may by rule prescribe.
16 The Illinois Department may serve the notice of lien or levy
17 upon any financial institution where the accounts as defined in
18 Section 10-24 of the responsible relative may be held, for
19 encumbrance or surrender of the accounts as defined in Section
20 10-24 by the financial institution.

21 (d) The Illinois Department shall enforce its lien against
22 the responsible relative's personal property, other than
23 accounts as defined in Section 10-24 in financial institutions,
24 and levy upon such personal property in the manner provided for
25 enforcement of judgments contained in Article XII of the Code
26 of Civil Procedure.

27 (e) The Illinois Department shall not be required to
28 furnish bond or make a deposit for or pay any costs or fees of
29 any court or officer thereof in any legal proceeding involving
30 the lien.

31 (f) To protect the lien of the State for past-due child
32 support, the Illinois Department may, from funds that are
33 available for that purpose, pay or provide for the payment of
34 necessary or essential repairs, purchase tax certificates, or
35 pay or cause to be satisfied any prior liens on the property to
36 which the lien hereunder applies.

1 (g) A lien on personal property under this Section shall be
2 released in the manner provided under Article XII of the Code
3 of Civil Procedure. Notwithstanding the foregoing, a lien under
4 this Section on accounts as defined in Section 10-24 shall
5 expire upon the passage of 120 days from the date of issuance
6 of the Notice of Lien or Levy by the Illinois Department.
7 However, the lien shall remain in effect during the pendency of
8 any appeal or protest.

9 (h) A lien created under this Section is subordinate to any
10 prior lien of the financial institution or any prior lien
11 holder or any prior right of set-off that the financial
12 institution may have against the assets, or in the case of an
13 insurance company or benefit association only in the accounts
14 as defined in Section 10-24.

15 (i) A financial institution has no obligation under this
16 Section to hold, encumber, or surrender the assets, or in the
17 case of an insurance company or benefit association only the
18 accounts as defined in Section 10-24, until the financial
19 institution has been properly served with a subpoena, summons,
20 warrant, court or administrative order, or administrative lien
21 and levy requiring that action.

22 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

23 (305 ILCS 5/12-4.7c)

24 Sec. 12-4.7c. Exchange of information after July 1, 1997.

25 (a) The Department of Human Services shall exchange with
26 the Illinois Department of Public Aid information that may be
27 necessary for the enforcement of child support orders entered
28 pursuant to Sections 10-10 and 10-11 of this Code or pursuant
29 to the Illinois Marriage and Dissolution of Marriage Act, the
30 Non-Support of Spouse and Children Act, the Non-Support
31 Punishment Act, the Revised Uniform Reciprocal Enforcement of
32 Support Act, the Uniform Interstate Family Support Act, ~~or~~ the
33 Illinois Parentage Act of 1984, or the Uniform Parentage Act
34 (2000).

35 (b) Notwithstanding any provisions in this Code to the

1 contrary, the Department of Human Services shall not be liable
2 to any person for any disclosure of information to the Illinois
3 Department of Public Aid under subsection (a) or for any other
4 action taken in good faith to comply with the requirements of
5 subsection (a).

6 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

7 Section 905.7. The Abandoned Newborn Infant Protection Act
8 is amended by changing Section 50 as follows:

9 (325 ILCS 2/50)

10 (Section scheduled to be repealed on July 1, 2007)

11 Sec. 50. Child-placing agency procedures.

12 (a) The Department's State Central Registry must maintain a
13 list of licensed child-placing agencies willing to take legal
14 custody of newborn infants relinquished in accordance with this
15 Act. The child-placing agencies on the list must be contacted
16 by the Department on a rotating basis upon notice from a
17 hospital that a newborn infant has been relinquished in
18 accordance with this Act.

19 (b) Upon notice from the Department that a newborn infant
20 has been relinquished in accordance with this Act, a
21 child-placing agency must accept the newborn infant if the
22 agency has the accommodations to do so. The child-placing
23 agency must seek an order for legal custody of the infant upon
24 its acceptance of the infant.

25 (c) Within 3 business days after assuming physical custody
26 of the infant, the child-placing agency shall file a petition
27 in the division of the circuit court in which petitions for
28 adoption would normally be heard. The petition shall allege
29 that the newborn infant has been relinquished in accordance
30 with this Act and shall state that the child-placing agency
31 intends to place the infant in an adoptive home.

32 (d) If no licensed child-placing agency is able to accept
33 the relinquished newborn infant, then the Department must
34 assume responsibility for the infant as soon as practicable.

1 (e) A custody order issued under subsection (b) shall
2 remain in effect until a final adoption order based on the
3 relinquished newborn infant's best interests is issued in
4 accordance with this Act and the Adoption Act.

5 (f) When possible, the child-placing agency must place a
6 relinquished newborn infant in a prospective adoptive home.

7 (g) The Department or child-placing agency must initiate
8 proceedings to (i) terminate the parental rights of the
9 relinquished newborn infant's known or unknown parents, (ii)
10 appoint a guardian for the infant, and (iii) obtain consent to
11 the infant's adoption in accordance with this Act no sooner
12 than 60 days following the date of the initial relinquishment
13 of the infant to the hospital, police station, fire station, or
14 emergency medical facility.

15 (h) Before filing a petition for termination of parental
16 rights, the Department or child-placing agency must do the
17 following:

18 (1) Search its ~~Putative Father~~ Registry of Paternity
19 for the purpose of determining the identity and location of
20 the putative father of the relinquished newborn infant who
21 is, or is expected to be, the subject of an adoption
22 proceeding, in order to provide notice of the proceeding to
23 the putative father. At least one search of the Registry
24 must be conducted, at least 30 days after the relinquished
25 newborn infant's estimated date of birth; earlier searches
26 may be conducted, however. Notice to any potential putative
27 father discovered in a search of the Registry according to
28 the estimated age of the relinquished newborn infant must
29 be in accordance with Article 4 of the Uniform Parentage
30 Act (2000) ~~Section 12a of the Adoption Act.~~

31 (2) Verify with law enforcement officials, using the
32 National Crime Information Center, that the relinquished
33 newborn infant is not a missing child.

34 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
35 93-820, eff. 7-27-04.)

1 Section 905.8. The Genetic Information Privacy Act is
2 amended by changing Sections 22 and 30 as follows:

3 (410 ILCS 513/22)

4 Sec. 22. Tests to determine inherited characteristics in
5 paternity proceedings. Nothing in this Act shall be construed
6 to affect or restrict in any way the ordering of or use of
7 results from deoxyribonucleic acid (DNA) testing or other tests
8 to determine inherited characteristics by the court in a
9 judicial proceeding under the Illinois Parentage Act of 1984 or
10 under the Uniform Parentage Act (2000) or by the Illinois
11 Department of Public Aid in an administrative paternity
12 proceeding under Article X of the Illinois Public Aid Code and
13 rules promulgated under that Article.

14 (Source: P.A. 90-25, eff. 1-1-98.)

15 (410 ILCS 513/30)

16 Sec. 30. Disclosure of person tested and test results.

17 (a) No person may disclose or be compelled to disclose the
18 identity of any person upon whom a genetic test is performed or
19 the results of a genetic test in a manner that permits
20 identification of the subject of the test, except to the
21 following persons:

22 (1) The subject of the test or the subject's legally
23 authorized representative. This paragraph does not create
24 a duty or obligation under which a health care provider
25 must notify the subject's spouse or legal guardian of the
26 test results, and no such duty or obligation shall be
27 implied. No civil liability or criminal sanction under this
28 Act shall be imposed for any disclosure or nondisclosure of
29 a test result to a spouse by a physician acting in good
30 faith under this paragraph. For the purpose of any
31 proceedings, civil or criminal, the good faith of any
32 physician acting under this paragraph shall be presumed.

33 (2) Any person designated in a specific written legally
34 effective release of the test results executed by the

1 subject of the test or the subject's legally authorized
2 representative.

3 (3) An authorized agent or employee of a health
4 facility or health care provider if the health facility or
5 health care provider itself is authorized to obtain the
6 test results, the agent or employee provides patient care,
7 and the agent or employee has a need to know the
8 information in order to conduct the tests or provide care
9 or treatment.

10 (4) A health facility or health care provider that
11 procures, processes, distributes, or uses:

12 (A) a human body part from a deceased person with
13 respect to medical information regarding that person;
14 or

15 (B) semen provided prior to the effective date of
16 this Act for the purpose of artificial insemination.

17 (5) Health facility staff committees for the purposes
18 of conducting program monitoring, program evaluation, or
19 service reviews.

20 (6) In the case of a minor under 18 years of age, the
21 health care provider who ordered the test shall make a
22 reasonable effort to notify the minor's parent or legal
23 guardian if, in the professional judgment of the health
24 care provider, notification would be in the best interest
25 of the minor and the health care provider has first sought
26 unsuccessfully to persuade the minor to notify the parent
27 or legal guardian or after a reasonable time after the
28 minor has agreed to notify the parent or legal guardian,
29 the health care provider has reason to believe that the
30 minor has not made the notification. This paragraph shall
31 not create a duty or obligation under which a health care
32 provider must notify the minor's parent or legal guardian
33 of the test results, nor shall a duty or obligation be
34 implied. No civil liability or criminal sanction under this
35 Act shall be imposed for any notification or
36 non-notification of a minor's test result by a health care

1 provider acting in good faith under this paragraph. For the
2 purpose of any proceeding, civil or criminal, the good
3 faith of any health care provider acting under this
4 paragraph shall be presumed.

5 (7) All information and records held by a State agency
6 or local health authority pertaining to genetic
7 information shall be strictly confidential and exempt from
8 copying and inspection under the Freedom of Information
9 Act. The information and records shall not be released or
10 made public by the State agency or local health authority
11 and shall not be admissible as evidence nor discoverable in
12 any action of any kind in any court or before any tribunal,
13 board, agency, or person and shall be treated in the same
14 manner as the information and those records subject to the
15 provisions of Part 21 of Article VIII of the Code of Civil
16 Procedure except under the following circumstances:

17 (A) when made with the written consent of all
18 persons to whom the information pertains;

19 (B) when authorized by Section 5-4-3 of the Unified
20 Code of Corrections;

21 (C) when made for the sole purpose of implementing
22 the Phenylketonuria Testing Act and rules; or

23 (D) when made under the authorization of the
24 Uniform Parentage Act (2000) ~~Illinois Parentage Act of~~
25 ~~1984~~.

26 Disclosure shall be limited to those who have a need to
27 know the information, and no additional disclosures may be
28 made.

29 (b) Disclosure by an insurer in accordance with the
30 requirements of the Article XL of the Illinois Insurance Code
31 shall be deemed compliance with this Section.

32 (Source: P.A. 90-25, eff. 1-1-98.)

33 Section 905.9. The Vital Records Act is amended by changing
34 Sections 12 and 24 as follows:

1 (410 ILCS 535/12) (from Ch. 111 1/2, par. 73-12)

2 Sec. 12. Live births; place of registration.

3 (1) Each live birth which occurs in this State shall be
4 registered with the local or subregistrar of the district in
5 which the birth occurred as provided in this Section, within 7
6 days after the birth. When a birth occurs on a moving
7 conveyance, the city, village, township, or road district in
8 which the child is first removed from the conveyance shall be
9 considered the place of birth and a birth certificate shall be
10 filed in the registration district in which the place is
11 located.

12 (2) When a birth occurs in an institution, the person in
13 charge of the institution or his designated representative
14 shall obtain and record all the personal and statistical
15 particulars relative to the parents of the child that are
16 required to properly complete the live birth certificate; shall
17 secure the required personal signatures on the hospital
18 worksheet; shall prepare the certificate from this worksheet;
19 and shall file the certificate with the local registrar. The
20 institution shall retain the hospital worksheet permanently or
21 as otherwise specified by rule. The physician in attendance
22 shall verify or provide the date of birth and medical
23 information required by the certificate, within 24 hours after
24 the birth occurs.

25 (3) When a birth occurs outside an institution, the
26 certificate shall be prepared and filed by one of the following
27 in the indicated order of priority:

28 (a) The physician in attendance at or immediately after
29 the birth, or in the absence of such a person,

30 (b) Any other person in attendance at or immediately
31 after the birth, or in the absence of such a person,

32 (c) The father, the mother, or in the absence of the
33 father and the inability of the mother, the person in
34 charge of the premises where the birth occurred.

35 (4) Unless otherwise provided in this Act, if the mother
36 was not married to the father of the child at either the time

1 of conception or the time of birth, the name of the father
2 shall be entered on the child's birth certificate only if the
3 mother and the person to be named as the father have signed an
4 acknowledgment of parentage in accordance with subsection (5).

5 Unless otherwise provided in this Act, if the mother was
6 married at the time of conception or birth and the presumed
7 father (that is, the mother's husband) is not the biological
8 father of the child, the name of the biological father shall be
9 entered on the child's birth certificate only if, in accordance
10 with subsection (5), (i) the mother and the person to be named
11 as the father have signed an acknowledgment of parentage and
12 (ii) the mother and presumed father have signed a denial of
13 paternity.

14 (5) Upon the birth of a child to an unmarried woman, or
15 upon the birth of a child to a woman who was married at the time
16 of conception or birth and whose husband is not the biological
17 father of the child, the institution at the time of birth and
18 the local registrar or county clerk after the birth shall do
19 the following:

20 (a) Provide (i) an opportunity for the child's mother
21 and father to sign an acknowledgment of parentage and (ii)
22 if the presumed father is not the biological father, an
23 opportunity for the mother and presumed father to sign a
24 denial of paternity. The signing and witnessing of the
25 acknowledgment of parentage or, if the presumed father of
26 the child is not the biological father, the acknowledgment
27 of parentage and denial of paternity conclusively
28 establishes a parent and child relationship in accordance
29 with the Uniform Parentage Act (2000) ~~Sections 5 and 6 of~~
30 ~~the Illinois Parentage Act of 1984.~~

31 The Illinois Department of Public Aid shall furnish the
32 acknowledgment of parentage and denial of paternity form to
33 institutions, county clerks, and State and local
34 registrars' offices. The form shall include instructions
35 to send the original signed and witnessed acknowledgment of
36 parentage and denial of paternity to the Illinois

1 Department of Public Aid.

2 (b) Provide the following documents, furnished by the
3 Illinois Department of Public Aid, to the child's mother,
4 biological father, and (if the person presumed to be the
5 child's father is not the biological father) presumed
6 father for their review at the time the opportunity is
7 provided to establish a parent and child relationship:

8 (i) An explanation of the implications of,
9 alternatives to, legal consequences of, and the rights
10 and responsibilities that arise from signing an
11 acknowledgment of parentage and, if necessary, a
12 denial of paternity, including an explanation of the
13 parental rights and responsibilities of child support,
14 visitation, custody, retroactive support, health
15 insurance coverage, and payment of birth expenses.

16 (ii) An explanation of the benefits of having a
17 child's parentage established and the availability of
18 parentage establishment and child support enforcement
19 services.

20 (iii) A request for an application for child
21 support enforcement services from the Illinois
22 Department of Public Aid.

23 (iv) Instructions concerning the opportunity to
24 speak, either by telephone or in person, with staff of
25 the Illinois Department of Public Aid who are trained
26 to clarify information and answer questions about
27 paternity establishment.

28 (v) Instructions for completing and signing the
29 acknowledgment of parentage and denial of paternity.

30 (c) Provide an oral explanation of the documents and
31 instructions set forth in subdivision (5) (b), including an
32 explanation of the implications of, alternatives to, legal
33 consequences of, and the rights and responsibilities that
34 arise from signing an acknowledgment of parentage and, if
35 necessary, a denial of paternity. The oral explanation may
36 be given in person or through the use of video or audio

1 equipment.

2 (6) The institution, State or local registrar, or county
3 clerk shall provide an opportunity for the child's father or
4 mother to sign a rescission of parentage. The signing and
5 witnessing of the rescission of parentage voids the
6 acknowledgment of parentage and nullifies the presumption of
7 paternity if executed and filed with the Illinois Department of
8 Public Aid within the time frame contained in Section 5 of the
9 Illinois Parentage Act of 1984 or Section 307 of the Uniform
10 Parentage Act (2000). The Illinois Department of Public Aid
11 shall furnish the rescission of parentage form to institutions,
12 county clerks, and State and local registrars' offices. The
13 form shall include instructions to send the original signed and
14 witnessed rescission of parentage to the Illinois Department of
15 Public Aid.

16 (7) An acknowledgment of paternity signed pursuant to
17 Section 6 of the Illinois Parentage Act of 1984 or Section 302
18 of the Uniform Parentage Act (2000) may be challenged in court
19 only on the basis of fraud, duress, or material mistake of
20 fact, with the burden of proof upon the challenging party.
21 Pending outcome of a challenge to the acknowledgment of
22 paternity, the legal responsibilities of the signatories shall
23 remain in full force and effect, except upon order of the court
24 upon a showing of good cause.

25 (8) When the process for acknowledgment of parentage as
26 provided for under subsection (5) establishes the paternity of
27 a child whose certificate of birth is on file in another state,
28 the Illinois Department of Public Aid shall forward a copy of
29 the acknowledgment of parentage, the denial of paternity, if
30 applicable, and the rescission of parentage, if applicable, to
31 the birth record agency of the state where the child's
32 certificate of birth is on file.

33 (9) In the event the parent-child relationship has been
34 established in accordance with subdivision (a)(1) of Section 6
35 of the Parentage Act of 1984 or Article 8 of the Uniform
36 Parentage Act (2000), the names of the biological mother and

1 biological father so established shall be entered on the
2 child's birth certificate, and the names of the surrogate
3 mother and surrogate mother's husband, if any, shall not be on
4 the birth certificate.

5 (Source: P.A. 91-308, eff. 7-29-99; 92-590, eff. 7-1-02.)

6 (410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

7 Sec. 24. (1) To protect the integrity of vital records, to
8 insure their proper use, and to insure the efficient and proper
9 administration of the vital records system, access to vital
10 records, and indexes thereof, including vital records in the
11 custody of local registrars and county clerks originating prior
12 to January 1, 1916, is limited to the custodian and his
13 employees, and then only for administrative purposes, except
14 that the indexes of those records in the custody of local
15 registrars and county clerks, originating prior to January 1,
16 1916, shall be made available to persons for the purpose of
17 genealogical research. Original, photographic or
18 microphotographic reproductions of original records of births
19 100 years old and older and deaths 50 years old and older, and
20 marriage records 75 years old and older on file in the State
21 Office of Vital Records and in the custody of the county clerks
22 may be made available for inspection in the Illinois State
23 Archives reference area, Illinois Regional Archives
24 Depositories, and other libraries approved by the Illinois
25 State Registrar and the Director of the Illinois State
26 Archives, provided that the photographic or microphotographic
27 copies are made at no cost to the county or to the State of
28 Illinois. It is unlawful for any custodian to permit inspection
29 of, or to disclose information contained in, vital records, or
30 to copy or permit to be copied, all or part of any such record
31 except as authorized by this Act or regulations adopted
32 pursuant thereto.

33 (2) The State Registrar of Vital Records, or his agent, and
34 any municipal, county, multi-county, public health district,
35 or regional health officer recognized by the Department may

1 examine vital records for the purpose only of carrying out the
2 public health programs and responsibilities under his
3 jurisdiction.

4 (3) The State Registrar of Vital Records, may disclose, or
5 authorize the disclosure of, data contained in the vital
6 records when deemed essential for bona fide research purposes
7 which are not for private gain.

8 This amendatory Act of 1973 does not apply to any home rule
9 unit.

10 (4) The State Registrar shall exchange with the Illinois
11 Department of Public Aid information that may be necessary for
12 the establishment of paternity and the establishment,
13 modification, and enforcement of child support orders entered
14 pursuant to the Illinois Public Aid Code, the Illinois Marriage
15 and Dissolution of Marriage Act, the Non-Support of Spouse and
16 Children Act, the Non-Support Punishment Act, the Revised
17 Uniform Reciprocal Enforcement of Support Act, the Uniform
18 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
19 1984, or the Uniform Parentage Act (2000). Notwithstanding any
20 provisions in this Act to the contrary, the State Registrar
21 shall not be liable to any person for any disclosure of
22 information to the Illinois Department of Public Aid under this
23 subsection or for any other action taken in good faith to
24 comply with the requirements of this subsection.

25 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

26 Section 905.10. The Illinois Vehicle Code is amended by
27 changing Sections 2-109.1 and 7-703 as follows:

28 (625 ILCS 5/2-109.1)

29 Sec. 2-109.1. Exchange of information.

30 (a) The Secretary of State shall exchange information with
31 the Illinois Department of Public Aid which may be necessary
32 for the establishment of paternity and the establishment,
33 modification, and enforcement of child support orders pursuant
34 to the Illinois Public Aid Code, the Illinois Marriage and

1 Dissolution of Marriage Act, the Non-Support of Spouse and
2 Children Act, the Non-Support Punishment Act, the Revised
3 Uniform Reciprocal Enforcement of Support Act, the Uniform
4 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
5 1984, or the Uniform Parentage Act (2000).

6 (b) Notwithstanding any provisions in this Code to the
7 contrary, the Secretary of State shall not be liable to any
8 person for any disclosure of information to the Illinois
9 Department of Public Aid under subsection (a) or for any other
10 action taken in good faith to comply with the requirements of
11 subsection (a).

12 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 7-1-00.)

13 (625 ILCS 5/7-703)

14 Sec. 7-703. Courts to report non-payment of court ordered
15 support.

16 (a) The clerk of the circuit court, as provided in
17 subsection (b) of Section 505 of the Illinois Marriage and
18 Dissolution of Marriage Act ~~or as provided in Section 15 of the~~
19 ~~Illinois Parentage Act of 1984~~, shall forward to the Secretary
20 of State, on a form prescribed by the Secretary, an
21 authenticated document certifying the court's order suspending
22 the driving privileges of the obligor. For any such
23 certification, the clerk of the court shall charge the obligor
24 a fee of \$5 as provided in the Clerks of Courts Act.

25 (b) If an obligor has been adjudicated in arrears in court
26 ordered child support payments in an amount equal to 90 days
27 obligation or more but has not been held in contempt of court,
28 the circuit court may order that the obligor's driving
29 privileges be suspended. If the circuit court orders that the
30 obligor's driving privileges be suspended, it shall forward to
31 the Secretary of State, on a form prescribed by the Secretary,
32 an authenticated document certifying the court's order
33 suspending the driving privileges of the obligor. The
34 authenticated document shall be forwarded to the Secretary of
35 State by the court no later than 45 days after entry of the

1 order suspending the obligor's driving privileges.

2 (Source: P.A. 91-613, eff. 7-1-00.)

3 Section 905.11. The Clerks of Courts Act is amended by
4 changing Section 27.1a as follows:

5 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

6 Sec. 27.1a. The fees of the clerks of the circuit court in
7 all counties having a population of not more than 500,000
8 inhabitants in the instances described in this Section shall be
9 as provided in this Section. In those instances where a minimum
10 and maximum fee is stated, the clerk of the circuit court must
11 charge the minimum fee listed and may charge up to the maximum
12 fee if the county board has by resolution increased the fee.
13 The fees shall be paid in advance and shall be as follows:

14 (a) Civil Cases.

15 The fee for filing a complaint, petition, or other
16 pleading initiating a civil action, with the following
17 exceptions, shall be a minimum of \$40 and a maximum of
18 \$160.

19 (A) When the amount of money or damages or the
20 value of personal property claimed does not exceed
21 \$250, \$10.

22 (B) When that amount exceeds \$250 but does not
23 exceed \$500, a minimum of \$10 and a maximum of \$20.

24 (C) When that amount exceeds \$500 but does not
25 exceed \$2500, a minimum of \$25 and a maximum of \$40.

26 (D) When that amount exceeds \$2500 but does not
27 exceed \$15,000, a minimum of \$25 and a maximum of \$75.

28 (E) For the exercise of eminent domain, a minimum
29 of \$45 and a maximum of \$150. For each additional lot
30 or tract of land or right or interest therein subject
31 to be condemned, the damages in respect to which shall
32 require separate assessment by a jury, a minimum of \$45
33 and a maximum of \$150.

34 (a-1) Family.

1 For filing a petition under the Juvenile Court Act of
2 1987, \$25.

3 For filing a petition for a marriage license, \$10.

4 For performing a marriage in court, \$10.

5 For filing a petition under the Uniform Parentage Act
6 (2000) ~~Illinois Parentage Act of 1984~~, \$40.

7 (b) Forcible Entry and Detainer.

8 In each forcible entry and detainer case when the
9 plaintiff seeks possession only or unites with his or her
10 claim for possession of the property a claim for rent or
11 damages or both in the amount of \$15,000 or less, a minimum
12 of \$10 and a maximum of \$50. When the plaintiff unites his
13 or her claim for possession with a claim for rent or
14 damages or both exceeding \$15,000, a minimum of \$40 and a
15 maximum of \$160.

16 (c) Counterclaim or Joining Third Party Defendant.

17 When any defendant files a counterclaim as part of his
18 or her answer or otherwise or joins another party as a
19 third party defendant, or both, the defendant shall pay a
20 fee for each counterclaim or third party action in an
21 amount equal to the fee he or she would have had to pay had
22 he or she brought a separate action for the relief sought
23 in the counterclaim or against the third party defendant,
24 less the amount of the appearance fee, if that has been
25 paid.

26 (d) Confession of Judgment.

27 In a confession of judgment when the amount does not
28 exceed \$1500, a minimum of \$20 and a maximum of \$50. When
29 the amount exceeds \$1500, but does not exceed \$15,000, a
30 minimum of \$40 and a maximum of \$115. When the amount
31 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

32 (e) Appearance.

33 The fee for filing an appearance in each civil case
34 shall be a minimum of \$15 and a maximum of \$60, except as
35 follows:

36 (A) When the plaintiff in a forcible entry and

1 detainer case seeks possession only, a minimum of \$10
2 and a maximum of \$50.

3 (B) When the amount in the case does not exceed
4 \$1500, a minimum of \$10 and a maximum of \$30.

5 (C) When that amount exceeds \$1500 but does not
6 exceed \$15,000, a minimum of \$15 and a maximum of \$60.

7 (f) Garnishment, Wage Deduction, and Citation.

8 In garnishment affidavit, wage deduction affidavit,
9 and citation petition when the amount does not exceed
10 \$1,000, a minimum of \$5 and a maximum of \$15; when the
11 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
12 of \$5 and a maximum of \$30; and when the amount exceeds
13 \$5,000, a minimum of \$5 and a maximum of \$50.

14 (g) Petition to Vacate or Modify.

15 (1) Petition to vacate or modify any final judgment or
16 order of court, except in forcible entry and detainer cases
17 and small claims cases or a petition to reopen an estate,
18 to modify, terminate, or enforce a judgment or order for
19 child or spousal support, or to modify, suspend, or
20 terminate an order for withholding, if filed before 30 days
21 after the entry of the judgment or order, a minimum of \$20
22 and a maximum of \$50.

23 (2) Petition to vacate or modify any final judgment or
24 order of court, except a petition to modify, terminate, or
25 enforce a judgment or order for child or spousal support or
26 to modify, suspend, or terminate an order for withholding,
27 if filed later than 30 days after the entry of the judgment
28 or order, a minimum of \$20 and a maximum of \$75.

29 (3) Petition to vacate order of bond forfeiture, a
30 minimum of \$10 and a maximum of \$40.

31 (h) Mailing.

32 When the clerk is required to mail, the fee will be a
33 minimum of \$2 and a maximum of \$10, plus the cost of
34 postage.

35 (i) Certified Copies.

36 Each certified copy of a judgment after the first,

1 except in small claims and forcible entry and detainer
2 cases, a minimum of \$2 and a maximum of \$10.

3 (j) Habeas Corpus.

4 For filing a petition for relief by habeas corpus, a
5 minimum of \$60 and a maximum of \$100.

6 (k) Certification, Authentication, and Reproduction.

7 (1) Each certification or authentication for taking
8 the acknowledgment of a deed or other instrument in writing
9 with the seal of office, a minimum of \$2 and a maximum of
10 \$6.

11 (2) Court appeals when original documents are
12 forwarded, under 100 pages, plus delivery and costs, a
13 minimum of \$20 and a maximum of \$60.

14 (3) Court appeals when original documents are
15 forwarded, over 100 pages, plus delivery and costs, a
16 minimum of \$50 and a maximum of \$150.

17 (4) Court appeals when original documents are
18 forwarded, over 200 pages, an additional fee of a minimum
19 of 20 cents and a maximum of 25 cents per page.

20 (5) For reproduction of any document contained in the
21 clerk's files:

22 (A) First page, a minimum of \$1 and a maximum of
23 \$2.

24 (B) Next 19 pages, 50 cents per page.

25 (C) All remaining pages, 25 cents per page.

26 (l) Remands.

27 In any cases remanded to the Circuit Court from the
28 Supreme Court or the Appellate Court for a new trial, the
29 clerk shall file the remanding order and reinstate the case
30 with either its original number or a new number. The Clerk
31 shall not charge any new or additional fee for the
32 reinstatement. Upon reinstatement the Clerk shall advise
33 the parties of the reinstatement. A party shall have the
34 same right to a jury trial on remand and reinstatement as
35 he or she had before the appeal, and no additional or new
36 fee or charge shall be made for a jury trial after remand.

1 (m) Record Search.

2 For each record search, within a division or municipal
3 district, the clerk shall be entitled to a search fee of a
4 minimum of \$4 and a maximum of \$6 for each year searched.

5 (n) Hard Copy.

6 For each page of hard copy print output, when case
7 records are maintained on an automated medium, the clerk
8 shall be entitled to a fee of a minimum of \$4 and a maximum
9 of \$6.

10 (o) Index Inquiry and Other Records.

11 No fee shall be charged for a single
12 plaintiff/defendant index inquiry or single case record
13 inquiry when this request is made in person and the records
14 are maintained in a current automated medium, and when no
15 hard copy print output is requested. The fees to be charged
16 for management records, multiple case records, and
17 multiple journal records may be specified by the Chief
18 Judge pursuant to the guidelines for access and
19 dissemination of information approved by the Supreme
20 Court.

21 (p) (Blank).

22 ~~a minimum of \$25 and a maximum of \$50~~

23 (q) Alias Summons.

24 For each alias summons or citation issued by the clerk,
25 a minimum of \$2 and a maximum of \$5.

26 (r) Other Fees.

27 Any fees not covered in this Section shall be set by
28 rule or administrative order of the Circuit Court with the
29 approval of the Administrative Office of the Illinois
30 Courts.

31 The clerk of the circuit court may provide additional
32 services for which there is no fee specified by statute in
33 connection with the operation of the clerk's office as may
34 be requested by the public and agreed to by the clerk and
35 approved by the chief judge of the circuit court. Any
36 charges for additional services shall be as agreed to

1 between the clerk and the party making the request and
2 approved by the chief judge of the circuit court. Nothing
3 in this subsection shall be construed to require any clerk
4 to provide any service not otherwise required by law.

5 (s) Jury Services.

6 The clerk shall be entitled to receive, in addition to
7 other fees allowed by law, the sum of a minimum of \$62.50
8 and a maximum of \$212.50, as a fee for the services of a
9 jury in every civil action not quasi-criminal in its nature
10 and not a proceeding for the exercise of the right of
11 eminent domain and in every other action wherein the right
12 of trial by jury is or may be given by law. The jury fee
13 shall be paid by the party demanding a jury at the time of
14 filing the jury demand. If the fee is not paid by either
15 party, no jury shall be called in the action or proceeding,
16 and the same shall be tried by the court without a jury.

17 (t) Voluntary Assignment.

18 For filing each deed of voluntary assignment, a minimum
19 of \$10 and a maximum of \$20; for recording the same, a
20 minimum of 25 cents and a maximum of 50 cents for each 100
21 words. Exceptions filed to claims presented to an assignee
22 of a debtor who has made a voluntary assignment for the
23 benefit of creditors shall be considered and treated, for
24 the purpose of taxing costs therein, as actions in which
25 the party or parties filing the exceptions shall be
26 considered as party or parties plaintiff, and the claimant
27 or claimants as party or parties defendant, and those
28 parties respectively shall pay to the clerk the same fees
29 as provided by this Section to be paid in other actions.

30 (u) Expungement Petition.

31 The clerk shall be entitled to receive a fee of a
32 minimum of \$15 and a maximum of \$60 for each expungement
33 petition filed and an additional fee of a minimum of \$2 and
34 a maximum of \$4 for each certified copy of an order to
35 expunge arrest records.

36 (v) Probate.

1 The clerk is entitled to receive the fees specified in
2 this subsection (v), which shall be paid in advance, except
3 that, for good cause shown, the court may suspend, reduce,
4 or release the costs payable under this subsection:

5 (1) For administration of the estate of a decedent
6 (whether testate or intestate) or of a missing person, a
7 minimum of \$50 and a maximum of \$150, plus the fees
8 specified in subsection (v) (3), except:

9 (A) When the value of the real and personal
10 property does not exceed \$15,000, the fee shall be a
11 minimum of \$25 and a maximum of \$40.

12 (B) When (i) proof of heirship alone is made, (ii)
13 a domestic or foreign will is admitted to probate
14 without administration (including proof of heirship),
15 or (iii) letters of office are issued for a particular
16 purpose without administration of the estate, the fee
17 shall be a minimum of \$10 and a maximum of \$40.

18 (C) For filing a petition to sell Real Estate, \$50.

19 (2) For administration of the estate of a ward, a
20 minimum of \$50 and a maximum of \$75, plus the fees
21 specified in subsection (v) (3), except:

22 (A) When the value of the real and personal
23 property does not exceed \$15,000, the fee shall be a
24 minimum of \$25 and a maximum of \$40.

25 (B) When (i) letters of office are issued to a
26 guardian of the person or persons, but not of the
27 estate or (ii) letters of office are issued in the
28 estate of a ward without administration of the estate,
29 including filing or joining in the filing of a tax
30 return or releasing a mortgage or consenting to the
31 marriage of the ward, the fee shall be a minimum of \$10
32 and a maximum of \$20.

33 (C) For filing a Petition to sell Real Estate, \$50.

34 (3) In addition to the fees payable under subsection
35 (v) (1) or (v) (2) of this Section, the following fees are
36 payable:

1 (A) For each account (other than one final account)
2 filed in the estate of a decedent, or ward, a minimum
3 of \$10 and a maximum of \$25.

4 (B) For filing a claim in an estate when the amount
5 claimed is \$150 or more but less than \$500, a minimum
6 of \$10 and a maximum of \$25; when the amount claimed is
7 \$500 or more but less than \$10,000, a minimum of \$10
8 and a maximum of \$40; when the amount claimed is
9 \$10,000 or more, a minimum of \$10 and a maximum of \$60;
10 provided that the court in allowing a claim may add to
11 the amount allowed the filing fee paid by the claimant.

12 (C) For filing in an estate a claim, petition, or
13 supplemental proceeding based upon an action seeking
14 equitable relief including the construction or contest
15 of a will, enforcement of a contract to make a will,
16 and proceedings involving testamentary trusts or the
17 appointment of testamentary trustees, a minimum of \$40
18 and a maximum of \$60.

19 (D) For filing in an estate (i) the appearance of
20 any person for the purpose of consent or (ii) the
21 appearance of an executor, administrator,
22 administrator to collect, guardian, guardian ad litem,
23 or special administrator, no fee.

24 (E) Except as provided in subsection (v) (3) (D),
25 for filing the appearance of any person or persons, a
26 minimum of \$10 and a maximum of \$30.

27 (F) For each jury demand, a minimum of \$62.50 and a
28 maximum of \$137.50.

29 (G) For disposition of the collection of a judgment
30 or settlement of an action or claim for wrongful death
31 of a decedent or of any cause of action of a ward, when
32 there is no other administration of the estate, a
33 minimum of \$30 and a maximum of \$50, less any amount
34 paid under subsection (v) (1) (B) or (v) (2) (B) except
35 that if the amount involved does not exceed \$5,000, the
36 fee, including any amount paid under subsection

1 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a
2 maximum of \$20.

3 (H) For each certified copy of letters of office,
4 of court order or other certification, a minimum of \$1
5 and a maximum of \$2, plus a minimum of 50 cents and a
6 maximum of \$1 per page in excess of 3 pages for the
7 document certified.

8 (I) For each exemplification, a minimum of \$1 and a
9 maximum of \$2, plus the fee for certification.

10 (4) The executor, administrator, guardian, petitioner,
11 or other interested person or his or her attorney shall pay
12 the cost of publication by the clerk directly to the
13 newspaper.

14 (5) The person on whose behalf a charge is incurred for
15 witness, court reporter, appraiser, or other miscellaneous
16 fee shall pay the same directly to the person entitled
17 thereto.

18 (6) The executor, administrator, guardian, petitioner,
19 or other interested person or his or her attorney shall pay
20 to the clerk all postage charges incurred by the clerk in
21 mailing petitions, orders, notices, or other documents
22 pursuant to the provisions of the Probate Act of 1975.

23 (w) Criminal and Quasi-Criminal Costs and Fees.

24 (1) The clerk shall be entitled to costs in all
25 criminal and quasi-criminal cases from each person
26 convicted or sentenced to supervision therein as follows:

27 (A) Felony complaints, a minimum of \$40 and a
28 maximum of \$100.

29 (B) Misdemeanor complaints, a minimum of \$25 and a
30 maximum of \$75.

31 (C) Business offense complaints, a minimum of \$25
32 and a maximum of \$75.

33 (D) Petty offense complaints, a minimum of \$25 and
34 a maximum of \$75.

35 (E) Minor traffic or ordinance violations, \$10.

36 (F) When court appearance required, \$15.

1 (G) Motions to vacate or amend final orders, a
2 minimum of \$20 and a maximum of \$40.

3 (H) Motions to vacate bond forfeiture orders, a
4 minimum of \$20 and a maximum of \$40.

5 (I) Motions to vacate ex parte judgments, whenever
6 filed, a minimum of \$20 and a maximum of \$40.

7 (J) Motions to vacate judgment on forfeitures,
8 whenever filed, a minimum of \$20 and a maximum of \$40.

9 (K) Motions to vacate "failure to appear" or
10 "failure to comply" notices sent to the Secretary of
11 State, a minimum of \$20 and a maximum of \$40.

12 (2) In counties having a population of not more than
13 500,000 inhabitants, when the violation complaint is
14 issued by a municipal police department, the clerk shall be
15 entitled to costs from each person convicted therein as
16 follows:

17 (A) Minor traffic or ordinance violations, \$10.

18 (B) When court appearance required, \$15.

19 (3) In ordinance violation cases punishable by fine
20 only, the clerk of the circuit court shall be entitled to
21 receive, unless the fee is excused upon a finding by the
22 court that the defendant is indigent, in addition to other
23 fees or costs allowed or imposed by law, the sum of a
24 minimum of \$62.50 and a maximum of \$137.50 as a fee for the
25 services of a jury. The jury fee shall be paid by the
26 defendant at the time of filing his or her jury demand. If
27 the fee is not so paid by the defendant, no jury shall be
28 called, and the case shall be tried by the court without a
29 jury.

30 (x) Transcripts of Judgment.

31 For the filing of a transcript of judgment, the clerk
32 shall be entitled to the same fee as if it were the
33 commencement of a new suit.

34 (y) Change of Venue.

35 (1) For the filing of a change of case on a change of
36 venue, the clerk shall be entitled to the same fee as if it

1 were the commencement of a new suit.

2 (2) The fee for the preparation and certification of a
3 record on a change of venue to another jurisdiction, when
4 original documents are forwarded, a minimum of \$10 and a
5 maximum of \$40.

6 (z) Tax objection complaints.

7 For each tax objection complaint containing one or more
8 tax objections, regardless of the number of parcels
9 involved or the number of taxpayers joining on the
10 complaint, a minimum of \$10 and a maximum of \$50.

11 (aa) Tax Deeds.

12 (1) Petition for tax deed, if only one parcel is
13 involved, a minimum of \$45 and a maximum of \$200.

14 (2) For each additional parcel, add a fee of a minimum
15 of \$10 and a maximum of \$60.

16 (bb) Collections.

17 (1) For all collections made of others, except the
18 State and county and except in maintenance or child support
19 cases, a sum equal to a minimum of 2% and a maximum of 2.5%
20 of the amount collected and turned over.

21 (2) Interest earned on any funds held by the clerk
22 shall be turned over to the county general fund as an
23 earning of the office.

24 (3) For any check, draft, or other bank instrument
25 returned to the clerk for non-sufficient funds, account
26 closed, or payment stopped, \$25.

27 (4) In child support and maintenance cases, the clerk,
28 if authorized by an ordinance of the county board, may
29 collect an annual fee of up to \$36 from the person making
30 payment for maintaining child support records and the
31 processing of support orders to the State of Illinois KIDS
32 system and the recording of payments issued by the State
33 Disbursement Unit for the official record of the Court.
34 This fee shall be in addition to and separate from amounts
35 ordered to be paid as maintenance or child support and
36 shall be deposited into a Separate Maintenance and Child

1 Support Collection Fund, of which the clerk shall be the
2 custodian, ex-officio, to be used by the clerk to maintain
3 child support orders and record all payments issued by the
4 State Disbursement Unit for the official record of the
5 Court. The clerk may recover from the person making the
6 maintenance or child support payment any additional cost
7 incurred in the collection of this annual fee.

8 The clerk shall also be entitled to a fee of \$5 for
9 certifications made to the Secretary of State as provided
10 in Section 7-703 of the Family Financial Responsibility Law
11 and these fees shall also be deposited into the Separate
12 Maintenance and Child Support Collection Fund.

13 (cc) Corrections of Numbers.

14 For correction of the case number, case title, or
15 attorney computer identification number, if required by
16 rule of court, on any document filed in the clerk's office,
17 to be charged against the party that filed the document, a
18 minimum of \$10 and a maximum of \$25.

19 (dd) Exceptions.

20 (1) The fee requirements of this Section shall not
21 apply to police departments or other law enforcement
22 agencies. In this Section, "law enforcement agency" means
23 an agency of the State or a unit of local government which
24 is vested by law or ordinance with the duty to maintain
25 public order and to enforce criminal laws or ordinances.
26 "Law enforcement agency" also means the Attorney General or
27 any state's attorney.

28 (2) No fee provided herein shall be charged to any unit
29 of local government or school district.

30 (3) The fee requirements of this Section shall not
31 apply to any action instituted under subsection (b) of
32 Section 11-31-1 of the Illinois Municipal Code by a private
33 owner or tenant of real property within 1200 feet of a
34 dangerous or unsafe building seeking an order compelling
35 the owner or owners of the building to take any of the
36 actions authorized under that subsection.

1 (4) The fee requirements of this Section shall not
 2 apply to the filing of any commitment petition or petition
 3 for an order authorizing the administration of authorized
 4 involuntary treatment in the form of medication under the
 5 Mental Health and Developmental Disabilities Code.

6 (ee) Adoptions.

7 (1) For an adoption \$65

8 (2) Upon good cause shown, the court may waive the
 9 adoption filing fee in a special needs adoption. The term
 10 "special needs adoption" shall have the meaning ascribed to
 11 it by the Illinois Department of Children and Family
 12 Services.

13 (ff) Adoption exemptions.

14 No fee other than that set forth in subsection (ee)
 15 shall be charged to any person in connection with an
 16 adoption proceeding nor may any fee be charged for
 17 proceedings for the appointment of a confidential
 18 intermediary under the Adoption Act.

19 (Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-39,
 20 eff. 7-1-03; 93-385, eff. 7-25-03; 93-573, eff. 8-21-03;
 21 revised 9-5-03.)

22 Section 905.12. The Juvenile Court Act of 1987 is amended
 23 by changing Sections 1-3 and 6-9 as follows:

24 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

25 Sec. 1-3. Definitions. Terms used in this Act, unless the
 26 context otherwise requires, have the following meanings
 27 ascribed to them:

28 (1) "Adjudicatory hearing" means a hearing to determine
 29 whether the allegations of a petition under Section 2-13, 3-15
 30 or 4-12 that a minor under 18 years of age is abused, neglected
 31 or dependent, or requires authoritative intervention, or
 32 addicted, respectively, are supported by a preponderance of the
 33 evidence or whether the allegations of a petition under Section
 34 5-520 that a minor is delinquent are proved beyond a reasonable

1 doubt.

2 (2) "Adult" means a person 21 years of age or older.

3 (3) "Agency" means a public or private child care facility
4 legally authorized or licensed by this State for placement or
5 institutional care or for both placement and institutional
6 care.

7 (4) "Association" means any organization, public or
8 private, engaged in welfare functions which include services to
9 or on behalf of children but does not include "agency" as
10 herein defined.

11 (4.05) Whenever a "best interest" determination is
12 required, the following factors shall be considered in the
13 context of the child's age and developmental needs:

14 (a) the physical safety and welfare of the child, including
15 food, shelter, health, and clothing;

16 (b) the development of the child's identity;

17 (c) the child's background and ties, including familial,
18 cultural, and religious;

19 (d) the child's sense of attachments, including:

20 (i) where the child actually feels love, attachment,
21 and a sense of being valued (as opposed to where adults
22 believe the child should feel such love, attachment, and a
23 sense of being valued);

24 (ii) the child's sense of security;

25 (iii) the child's sense of familiarity;

26 (iv) continuity of affection for the child;

27 (v) the least disruptive placement alternative for the
28 child;

29 (e) the child's wishes and long-term goals;

30 (f) the child's community ties, including church, school,
31 and friends;

32 (g) the child's need for permanence which includes the
33 child's need for stability and continuity of relationships with
34 parent figures and with siblings and other relatives;

35 (h) the uniqueness of every family and child;

36 (i) the risks attendant to entering and being in substitute

1 care; and

2 (j) the preferences of the persons available to care for
3 the child.

4 (4.1) "Chronic truant" shall have the definition ascribed
5 to it in Section 26-2a of the School Code.

6 (5) "Court" means the circuit court in a session or
7 division assigned to hear proceedings under this Act.

8 (6) "Dispositional hearing" means a hearing to determine
9 whether a minor should be adjudged to be a ward of the court,
10 and to determine what order of disposition should be made in
11 respect to a minor adjudged to be a ward of the court.

12 (7) "Emancipated minor" means any minor 16 years of age or
13 over who has been completely or partially emancipated under the
14 ~~"Emancipation of Mature Minors Act", enacted by the~~
15 ~~Eighty-First General Assembly,~~ or under this Act.

16 (8) "Guardianship of the person" of a minor means the duty
17 and authority to act in the best interests of the minor,
18 subject to residual parental rights and responsibilities, to
19 make important decisions in matters having a permanent effect
20 on the life and development of the minor and to be concerned
21 with his or her general welfare. It includes but is not
22 necessarily limited to:

23 (a) the authority to consent to marriage, to enlistment
24 in the armed forces of the United States, or to a major
25 medical, psychiatric, and surgical treatment; to represent
26 the minor in legal actions; and to make other decisions of
27 substantial legal significance concerning the minor;

28 (b) the authority and duty of reasonable visitation,
29 except to the extent that these have been limited in the
30 best interests of the minor by court order;

31 (c) the rights and responsibilities of legal custody
32 except where legal custody has been vested in another
33 person or agency; and

34 (d) the power to consent to the adoption of the minor,
35 but only if expressly conferred on the guardian in
36 accordance with Section 2-29, 3-30, or 4-27.

1 (9) "Legal custody" means the relationship created by an
2 order of court in the best interests of the minor which imposes
3 on the custodian the responsibility of physical possession of a
4 minor and the duty to protect, train and discipline him and to
5 provide him with food, shelter, education and ordinary medical
6 care, except as these are limited by residual parental rights
7 and responsibilities and the rights and responsibilities of the
8 guardian of the person, if any.

9 (10) "Minor" means a person under the age of 21 years
10 subject to this Act.

11 (11) "Parent" means the father or mother of a child and
12 includes any adoptive parent. It also includes a man (i) whose
13 paternity is presumed or has been established under the law of
14 this or another jurisdiction or (ii) who has registered with
15 the Putative Father Registry in accordance with Section 12.1 of
16 the Adoption Act or with the Registry of Paternity under the
17 Uniform Parentage Act (2000) and whose paternity has not been
18 ruled out under the law of this or another jurisdiction. It
19 does not include a parent whose rights in respect to the minor
20 have been terminated in any manner provided by law.

21 (11.1) "Permanency goal" means a goal set by the court as
22 defined in subdivision (2) of Section 2-28.

23 (11.2) "Permanency hearing" means a hearing to set the
24 permanency goal and to review and determine (i) the
25 appropriateness of the services contained in the plan and
26 whether those services have been provided, (ii) whether
27 reasonable efforts have been made by all the parties to the
28 service plan to achieve the goal, and (iii) whether the plan
29 and goal have been achieved.

30 (12) "Petition" means the petition provided for in Section
31 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
32 thereunder in Section 3-15, 4-12 or 5-520.

33 (13) "Residual parental rights and responsibilities" means
34 those rights and responsibilities remaining with the parent
35 after the transfer of legal custody or guardianship of the
36 person, including, but not necessarily limited to, the right to

1 reasonable visitation (which may be limited by the court in the
2 best interests of the minor as provided in subsection (8)(b) of
3 this Section), the right to consent to adoption, the right to
4 determine the minor's religious affiliation, and the
5 responsibility for his support.

6 (14) "Shelter" means the temporary care of a minor in
7 physically unrestricting facilities pending court disposition
8 or execution of court order for placement.

9 (15) "Station adjustment" means the informal handling of an
10 alleged offender by a juvenile police officer.

11 (16) "Ward of the court" means a minor who is so adjudged
12 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
13 requisite jurisdictional facts, and thus is subject to the
14 dispositional powers of the court under this Act.

15 (17) "Juvenile police officer" means a sworn police officer
16 who has completed a Basic Recruit Training Course, has been
17 assigned to the position of juvenile police officer by his or
18 her chief law enforcement officer and has completed the
19 necessary juvenile officers training as prescribed by the
20 Illinois Law Enforcement Training Standards Board, or in the
21 case of a State police officer, juvenile officer training
22 approved by the Director of the Department of State Police.

23 (18) "Secure child care facility" means any child care
24 facility licensed by the Department of Children and Family
25 Services to provide secure living arrangements for children
26 under 18 years of age who are subject to placement in
27 facilities under the Children and Family Services Act and who
28 are not subject to placement in facilities for whom standards
29 are established by the Department of Corrections under Section
30 3-15-2 of the Unified Code of Corrections. "Secure child care
31 facility" also means a facility that is designed and operated
32 to ensure that all entrances and exits from the facility, a
33 building, or a distinct part of the building are under the
34 exclusive control of the staff of the facility, whether or not
35 the child has the freedom of movement within the perimeter of
36 the facility, building, or distinct part of the building.

1 (Source: P.A. 90-28, eff. 1-1-98; 90-87, eff. 9-1-97; 90-590,
2 eff. 1-1-99; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98;
3 91-357, eff. 7-29-99; revised 10-9-03.)

4 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

5 Sec. 6-9. Enforcement of liability of parents and others.

6 (1) If parentage is at issue in any proceeding under this
7 Act, the Uniform Parentage Act (2000) ~~Illinois Parentage Act of~~
8 ~~1984~~ shall apply and the court shall enter orders consistent
9 with that Act. If it appears at any hearing that a parent or
10 any other person named in the petition, liable under the law
11 for the support of the minor, is able to contribute to his or
12 her support, the court shall enter an order requiring that
13 parent or other person to pay the clerk of the court, or to the
14 guardian or custodian appointed under Sections 2-27, 3-28, 4-25
15 or 5-740, a reasonable sum from time to time for the care,
16 support and necessary special care or treatment, of the minor.
17 If the court determines at any hearing that a parent or any
18 other person named in the petition, liable under the law for
19 the support of the minor, is able to contribute to help defray
20 the costs associated with the minor's detention in a county or
21 regional detention center, the court shall enter an order
22 requiring that parent or other person to pay the clerk of the
23 court a reasonable sum for the care and support of the minor.
24 The court may require reasonable security for the payments.
25 Upon failure to pay, the court may enforce obedience to the
26 order by a proceeding as for contempt of court.

27 If it appears that the person liable for the support of the
28 minor is able to contribute to legal fees for representation of
29 the minor, the court shall enter an order requiring that person
30 to pay a reasonable sum for the representation, to the attorney
31 providing the representation or to the clerk of the court for
32 deposit in the appropriate account or fund. The sum may be paid
33 as the court directs, and the payment thereof secured and
34 enforced as provided in this Section for support.

35 If it appears at the detention or shelter care hearing of a

1 minor before the court under Section 5-501 that a parent or any
2 other person liable for support of the minor is able to
3 contribute to his or her support, that parent or other person
4 shall be required to pay a fee for room and board at a rate not
5 to exceed \$10 per day established, with the concurrence of the
6 chief judge of the judicial circuit, by the county board of the
7 county in which the minor is detained unless the court
8 determines that it is in the best interest and welfare of the
9 minor to waive the fee. The concurrence of the chief judge
10 shall be in the form of an administrative order. Each week, on
11 a day designated by the clerk of the circuit court, that parent
12 or other person shall pay the clerk for the minor's room and
13 board. All fees for room and board collected by the circuit
14 court clerk shall be disbursed into the separate county fund
15 under Section 6-7.

16 Upon application, the court shall waive liability for
17 support or legal fees under this Section if the parent or other
18 person establishes that he or she is indigent and unable to pay
19 the incurred liability, and the court may reduce or waive
20 liability if the parent or other person establishes
21 circumstances showing that full payment of support or legal
22 fees would result in financial hardship to the person or his or
23 her family.

24 (2) When a person so ordered to pay for the care and
25 support of a minor is employed for wages, salary or commission,
26 the court may order him to make the support payments for which
27 he is liable under this Act out of his wages, salary or
28 commission and to assign so much thereof as will pay the
29 support. The court may also order him to make discovery to the
30 court as to his place of employment and the amounts earned by
31 him. Upon his failure to obey the orders of court he may be
32 punished as for contempt of court.

33 (3) If the minor is a recipient of public aid under the
34 Illinois Public Aid Code, the court shall order that payments
35 made by a parent or through assignment of his wages, salary or
36 commission be made directly to (a) the Illinois Department of

1 Public Aid if the minor is a recipient of aid under Article V
2 of the Code, (b) the Department of Human Services if the minor
3 is a recipient of aid under Article IV of the Code, or (c) the
4 local governmental unit responsible for the support of the
5 minor if he is a recipient under Articles VI or VII of the
6 Code. The order shall permit the Illinois Department of Public
7 Aid, the Department of Human Services, or the local
8 governmental unit, as the case may be, to direct that
9 subsequent payments be made directly to the guardian or
10 custodian of the minor, or to some other person or agency in
11 the minor's behalf, upon removal of the minor from the public
12 aid rolls; and upon such direction and removal of the minor
13 from the public aid rolls, the Illinois Department of Public
14 Aid, Department of Human Services, or local governmental unit,
15 as the case requires, shall give written notice of such action
16 to the court. Payments received by the Illinois Department of
17 Public Aid, Department of Human Services, or local governmental
18 unit are to be covered, respectively, into the General Revenue
19 Fund of the State Treasury or General Assistance Fund of the
20 governmental unit, as provided in Section 10-19 of the Illinois
21 Public Aid Code.

22 (Source: P.A. 90-157, eff. 1-1-98; 90-483, eff. 1-1-98; 90-590,
23 eff. 1-1-99; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99.)

24 Section 905.13. The Code of Criminal Procedure of 1963 is
25 amended by changing Section 112A-14 as follows:

26 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

27 Sec. 112A-14. Order of protection; remedies.

28 (a) Issuance of order. If the court finds that petitioner
29 has been abused by a family or household member, as defined in
30 this Article, an order of protection prohibiting such abuse
31 shall issue; provided that petitioner must also satisfy the
32 requirements of one of the following Sections, as appropriate:
33 Section 112A-17 on emergency orders, Section 112A-18 on interim
34 orders, or Section 112A-19 on plenary orders. Petitioner shall

1 not be denied an order of protection because petitioner or
2 respondent is a minor. The court, when determining whether or
3 not to issue an order of protection, shall not require physical
4 manifestations of abuse on the person of the victim.
5 Modification and extension of prior orders of protection shall
6 be in accordance with this Article.

7 (b) Remedies and standards. The remedies to be included in
8 an order of protection shall be determined in accordance with
9 this Section and one of the following Sections, as appropriate:
10 Section 112A-17 on emergency orders, Section 112A-18 on interim
11 orders, and Section 112A-19 on plenary orders. The remedies
12 listed in this subsection shall be in addition to other civil
13 or criminal remedies available to petitioner.

14 (1) Prohibition of abuse. Prohibit respondent's
15 harassment, interference with personal liberty,
16 intimidation of a dependent, physical abuse or willful
17 deprivation, as defined in this Article, if such abuse has
18 occurred or otherwise appears likely to occur if not
19 prohibited.

20 (2) Grant of exclusive possession of residence.
21 Prohibit respondent from entering or remaining in any
22 residence or household of the petitioner, including one
23 owned or leased by respondent, if petitioner has a right to
24 occupancy thereof. The grant of exclusive possession of the
25 residence shall not affect title to real property, nor
26 shall the court be limited by the standard set forth in
27 Section 701 of the Illinois Marriage and Dissolution of
28 Marriage Act.

29 (A) Right to occupancy. A party has a right to
30 occupancy of a residence or household if it is solely
31 or jointly owned or leased by that party, that party's
32 spouse, a person with a legal duty to support that
33 party or a minor child in that party's care, or by any
34 person or entity other than the opposing party that
35 authorizes that party's occupancy (e.g., a domestic
36 violence shelter). Standards set forth in subparagraph

1 (B) shall not preclude equitable relief.

2 (B) Presumption of hardships. If petitioner and
3 respondent each has the right to occupancy of a
4 residence or household, the court shall balance (i) the
5 hardships to respondent and any minor child or
6 dependent adult in respondent's care resulting from
7 entry of this remedy with (ii) the hardships to
8 petitioner and any minor child or dependent adult in
9 petitioner's care resulting from continued exposure to
10 the risk of abuse (should petitioner remain at the
11 residence or household) or from loss of possession of
12 the residence or household (should petitioner leave to
13 avoid the risk of abuse). When determining the balance
14 of hardships, the court shall also take into account
15 the accessibility of the residence or household.
16 Hardships need not be balanced if respondent does not
17 have a right to occupancy.

18 The balance of hardships is presumed to favor
19 possession by petitioner unless the presumption is
20 rebutted by a preponderance of the evidence, showing
21 that the hardships to respondent substantially
22 outweigh the hardships to petitioner and any minor
23 child or dependent adult in petitioner's care. The
24 court, on the request of petitioner or on its own
25 motion, may order respondent to provide suitable,
26 accessible, alternate housing for petitioner instead
27 of excluding respondent from a mutual residence or
28 household.

29 (3) Stay away order and additional prohibitions. Order
30 respondent to stay away from petitioner or any other person
31 protected by the order of protection, or prohibit
32 respondent from entering or remaining present at
33 petitioner's school, place of employment, or other
34 specified places at times when petitioner is present, or
35 both, if reasonable, given the balance of hardships.
36 Hardships need not be balanced for the court to enter a

1 stay away order or prohibit entry if respondent has no
2 right to enter the premises.

3 If an order of protection grants petitioner exclusive
4 possession of the residence, or prohibits respondent from
5 entering the residence, or orders respondent to stay away
6 from petitioner or other protected persons, then the court
7 may allow respondent access to the residence to remove
8 items of clothing and personal adornment used exclusively
9 by respondent, medications, and other items as the court
10 directs. The right to access shall be exercised on only one
11 occasion as the court directs and in the presence of an
12 agreed-upon adult third party or law enforcement officer.

13 (4) Counseling. Require or recommend the respondent to
14 undergo counseling for a specified duration with a social
15 worker, psychologist, clinical psychologist, psychiatrist,
16 family service agency, alcohol or substance abuse program,
17 mental health center guidance counselor, agency providing
18 services to elders, program designed for domestic violence
19 abusers or any other guidance service the court deems
20 appropriate.

21 (5) Physical care and possession of the minor child. In
22 order to protect the minor child from abuse, neglect, or
23 unwarranted separation from the person who has been the
24 minor child's primary caretaker, or to otherwise protect
25 the well-being of the minor child, the court may do either
26 or both of the following: (i) grant petitioner physical
27 care or possession of the minor child, or both, or (ii)
28 order respondent to return a minor child to, or not remove
29 a minor child from, the physical care of a parent or person
30 in loco parentis.

31 If a court finds, after a hearing, that respondent has
32 committed abuse (as defined in Section 112A-3) of a minor
33 child, there shall be a rebuttable presumption that
34 awarding physical care to respondent would not be in the
35 minor child's best interest.

36 (6) Temporary legal custody. Award temporary legal

1 custody to petitioner in accordance with this Section, the
2 Illinois Marriage and Dissolution of Marriage Act, the
3 Uniform Parentage Act (2000) ~~the Illinois Parentage Act of~~
4 ~~1984~~, and this State's Uniform Child-Custody Jurisdiction
5 and Enforcement Act.

6 If a court finds, after a hearing, that respondent has
7 committed abuse (as defined in Section 112A-3) of a minor
8 child, there shall be a rebuttable presumption that
9 awarding temporary legal custody to respondent would not be
10 in the child's best interest.

11 (7) Visitation. Determine the visitation rights, if
12 any, of respondent in any case in which the court awards
13 physical care or temporary legal custody of a minor child
14 to petitioner. The court shall restrict or deny
15 respondent's visitation with a minor child if the court
16 finds that respondent has done or is likely to do any of
17 the following: (i) abuse or endanger the minor child during
18 visitation; (ii) use the visitation as an opportunity to
19 abuse or harass petitioner or petitioner's family or
20 household members; (iii) improperly conceal or detain the
21 minor child; or (iv) otherwise act in a manner that is not
22 in the best interests of the minor child. The court shall
23 not be limited by the standards set forth in Section 607.1
24 of the Illinois Marriage and Dissolution of Marriage Act.
25 If the court grants visitation, the order shall specify
26 dates and times for the visitation to take place or other
27 specific parameters or conditions that are appropriate. No
28 order for visitation shall refer merely to the term
29 "reasonable visitation".

30 Petitioner may deny respondent access to the minor
31 child if, when respondent arrives for visitation,
32 respondent is under the influence of drugs or alcohol and
33 constitutes a threat to the safety and well-being of
34 petitioner or petitioner's minor children or is behaving in
35 a violent or abusive manner.

36 If necessary to protect any member of petitioner's

1 family or household from future abuse, respondent shall be
2 prohibited from coming to petitioner's residence to meet
3 the minor child for visitation, and the parties shall
4 submit to the court their recommendations for reasonable
5 alternative arrangements for visitation. A person may be
6 approved to supervise visitation only after filing an
7 affidavit accepting that responsibility and acknowledging
8 accountability to the court.

9 (8) Removal or concealment of minor child. Prohibit
10 respondent from removing a minor child from the State or
11 concealing the child within the State.

12 (9) Order to appear. Order the respondent to appear in
13 court, alone or with a minor child, to prevent abuse,
14 neglect, removal or concealment of the child, to return the
15 child to the custody or care of the petitioner or to permit
16 any court-ordered interview or examination of the child or
17 the respondent.

18 (10) Possession of personal property. Grant petitioner
19 exclusive possession of personal property and, if
20 respondent has possession or control, direct respondent to
21 promptly make it available to petitioner, if:

22 (i) petitioner, but not respondent, owns the
23 property; or

24 (ii) the parties own the property jointly; sharing
25 it would risk abuse of petitioner by respondent or is
26 impracticable; and the balance of hardships favors
27 temporary possession by petitioner.

28 If petitioner's sole claim to ownership of the property
29 is that it is marital property, the court may award
30 petitioner temporary possession thereof under the
31 standards of subparagraph (ii) of this paragraph only if a
32 proper proceeding has been filed under the Illinois
33 Marriage and Dissolution of Marriage Act, as now or
34 hereafter amended.

35 No order under this provision shall affect title to
36 property.

1 (11) Protection of property. Forbid the respondent
2 from taking, transferring, encumbering, concealing,
3 damaging or otherwise disposing of any real or personal
4 property, except as explicitly authorized by the court, if:

5 (i) petitioner, but not respondent, owns the
6 property; or

7 (ii) the parties own the property jointly, and the
8 balance of hardships favors granting this remedy.

9 If petitioner's sole claim to ownership of the property
10 is that it is marital property, the court may grant
11 petitioner relief under subparagraph (ii) of this
12 paragraph only if a proper proceeding has been filed under
13 the Illinois Marriage and Dissolution of Marriage Act, as
14 now or hereafter amended.

15 The court may further prohibit respondent from
16 improperly using the financial or other resources of an
17 aged member of the family or household for the profit or
18 advantage of respondent or of any other person.

19 (12) Order for payment of support. Order respondent to
20 pay temporary support for the petitioner or any child in
21 the petitioner's care or custody, when the respondent has a
22 legal obligation to support that person, in accordance with
23 the Illinois Marriage and Dissolution of Marriage Act,
24 which shall govern, among other matters, the amount of
25 support, payment through the clerk and withholding of
26 income to secure payment. An order for child support may be
27 granted to a petitioner with lawful physical care or
28 custody of a child, or an order or agreement for physical
29 care or custody, prior to entry of an order for legal
30 custody. Such a support order shall expire upon entry of a
31 valid order granting legal custody to another, unless
32 otherwise provided in the custody order.

33 (13) Order for payment of losses. Order respondent to
34 pay petitioner for losses suffered as a direct result of
35 the abuse. Such losses shall include, but not be limited
36 to, medical expenses, lost earnings or other support,

1 repair or replacement of property damaged or taken,
2 reasonable attorney's fees, court costs and moving or other
3 travel expenses, including additional reasonable expenses
4 for temporary shelter and restaurant meals.

5 (i) Losses affecting family needs. If a party is
6 entitled to seek maintenance, child support or
7 property distribution from the other party under the
8 Illinois Marriage and Dissolution of Marriage Act, as
9 now or hereafter amended, the court may order
10 respondent to reimburse petitioner's actual losses, to
11 the extent that such reimbursement would be
12 "appropriate temporary relief", as authorized by
13 subsection (a) (3) of Section 501 of that Act.

14 (ii) Recovery of expenses. In the case of an
15 improper concealment or removal of a minor child, the
16 court may order respondent to pay the reasonable
17 expenses incurred or to be incurred in the search for
18 and recovery of the minor child, including but not
19 limited to legal fees, court costs, private
20 investigator fees, and travel costs.

21 (14) Prohibition of entry. Prohibit the respondent
22 from entering or remaining in the residence or household
23 while the respondent is under the influence of alcohol or
24 drugs and constitutes a threat to the safety and well-being
25 of the petitioner or the petitioner's children.

26 (14.5) Prohibition of firearm possession. (a) When a
27 complaint is made under a request for an order of
28 protection, that the respondent has threatened or is likely
29 to use firearms illegally against the petitioner, and the
30 respondent is present in court, or has failed to appear
31 after receiving actual notice, the court shall examine on
32 oath the petitioner, and any witnesses who may be produced.
33 If the court is satisfied that there is any danger of the
34 illegal use of firearms, it shall include in the order of
35 protection the requirement that any firearms in the
36 possession of the respondent, except as provided in

1 subsection (b), be turned over to the local law enforcement
2 agency for safekeeping. If the respondent fails to appear,
3 or refuses or fails to surrender his or her firearms, the
4 court shall issue a warrant for seizure of any firearm in
5 the possession of the respondent. The period of safekeeping
6 shall be for a stated period of time not to exceed 2 years.
7 The firearm or firearms shall be returned to the respondent
8 at the end of the stated period or at expiration of the
9 order of protection, whichever is sooner. (b) If the
10 respondent is a peace officer as defined in Section 2-13 of
11 the Criminal Code of 1961, the court shall order that any
12 firearms used by the respondent in the performance of his
13 or her duties as a peace officer be surrendered to the
14 chief law enforcement executive of the agency in which the
15 respondent is employed, who shall retain the firearms for
16 safekeeping for the stated period not to exceed 2 years as
17 set forth in the court order.

18 (15) Prohibition of access to records. If an order of
19 protection prohibits respondent from having contact with
20 the minor child, or if petitioner's address is omitted
21 under subsection (b) of Section 112A-5, or if necessary to
22 prevent abuse or wrongful removal or concealment of a minor
23 child, the order shall deny respondent access to, and
24 prohibit respondent from inspecting, obtaining, or
25 attempting to inspect or obtain, school or any other
26 records of the minor child who is in the care of
27 petitioner.

28 (16) Order for payment of shelter services. Order
29 respondent to reimburse a shelter providing temporary
30 housing and counseling services to the petitioner for the
31 cost of the services, as certified by the shelter and
32 deemed reasonable by the court.

33 (17) Order for injunctive relief. Enter injunctive
34 relief necessary or appropriate to prevent further abuse of
35 a family or household member or to effectuate one of the
36 granted remedies, if supported by the balance of hardships.

1 If the harm to be prevented by the injunction is abuse or
2 any other harm that one of the remedies listed in
3 paragraphs (1) through (16) of this subsection is designed
4 to prevent, no further evidence is necessary to establish
5 that the harm is an irreparable injury.

6 (c) Relevant factors; findings.

7 (1) In determining whether to grant a specific remedy,
8 other than payment of support, the court shall consider
9 relevant factors, including but not limited to the
10 following:

11 (i) the nature, frequency, severity, pattern and
12 consequences of the respondent's past abuse of the
13 petitioner or any family or household member,
14 including the concealment of his or her location in
15 order to evade service of process or notice, and the
16 likelihood of danger of future abuse to petitioner or
17 any member of petitioner's or respondent's family or
18 household; and

19 (ii) the danger that any minor child will be abused
20 or neglected or improperly removed from the
21 jurisdiction, improperly concealed within the State or
22 improperly separated from the child's primary
23 caretaker.

24 (2) In comparing relative hardships resulting to the
25 parties from loss of possession of the family home, the
26 court shall consider relevant factors, including but not
27 limited to the following:

28 (i) availability, accessibility, cost, safety,
29 adequacy, location and other characteristics of
30 alternate housing for each party and any minor child or
31 dependent adult in the party's care;

32 (ii) the effect on the party's employment; and

33 (iii) the effect on the relationship of the party,
34 and any minor child or dependent adult in the party's
35 care, to family, school, church and community.

36 (3) Subject to the exceptions set forth in paragraph

1 (4) of this subsection, the court shall make its findings
2 in an official record or in writing, and shall at a minimum
3 set forth the following:

4 (i) That the court has considered the applicable
5 relevant factors described in paragraphs (1) and (2) of
6 this subsection.

7 (ii) Whether the conduct or actions of respondent,
8 unless prohibited, will likely cause irreparable harm
9 or continued abuse.

10 (iii) Whether it is necessary to grant the
11 requested relief in order to protect petitioner or
12 other alleged abused persons.

13 (4) For purposes of issuing an ex parte emergency order
14 of protection, the court, as an alternative to or as a
15 supplement to making the findings described in paragraphs
16 (c) (3) (i) through (c) (3) (iii) of this subsection, may use
17 the following procedure:

18 When a verified petition for an emergency order of
19 protection in accordance with the requirements of Sections
20 112A-5 and 112A-17 is presented to the court, the court
21 shall examine petitioner on oath or affirmation. An
22 emergency order of protection shall be issued by the court
23 if it appears from the contents of the petition and the
24 examination of petitioner that the averments are
25 sufficient to indicate abuse by respondent and to support
26 the granting of relief under the issuance of the emergency
27 order of protection.

28 (5) Never married parties. No rights or
29 responsibilities for a minor child born outside of marriage
30 attach to a putative father until a father and child
31 relationship has been established under the Illinois
32 Parentage Act of 1984 or under the Uniform Parentage Act
33 (2000). Absent such an adjudication, no putative father
34 shall be granted temporary custody of the minor child,
35 visitation with the minor child, or physical care and
36 possession of the minor child, nor shall an order of

1 payment for support of the minor child be entered.

2 (d) Balance of hardships; findings. If the court finds that
3 the balance of hardships does not support the granting of a
4 remedy governed by paragraph (2), (3), (10), (11), or (16) of
5 subsection (b) of this Section, which may require such
6 balancing, the court's findings shall so indicate and shall
7 include a finding as to whether granting the remedy will result
8 in hardship to respondent that would substantially outweigh the
9 hardship to petitioner from denial of the remedy. The findings
10 shall be an official record or in writing.

11 (e) Denial of remedies. Denial of any remedy shall not be
12 based, in whole or in part, on evidence that:

13 (1) Respondent has cause for any use of force, unless
14 that cause satisfies the standards for justifiable use of
15 force provided by Article VII of the Criminal Code of 1961;

16 (2) Respondent was voluntarily intoxicated;

17 (3) Petitioner acted in self-defense or defense of
18 another, provided that, if petitioner utilized force, such
19 force was justifiable under Article VII of the Criminal
20 Code of 1961;

21 (4) Petitioner did not act in self-defense or defense
22 of another;

23 (5) Petitioner left the residence or household to avoid
24 further abuse by respondent;

25 (6) Petitioner did not leave the residence or household
26 to avoid further abuse by respondent;

27 (7) Conduct by any family or household member excused
28 the abuse by respondent, unless that same conduct would
29 have excused such abuse if the parties had not been family
30 or household members.

31 (Source: P.A. 93-108, eff. 1-1-04.)

32 Section 905.14. The Unified Code of Corrections is amended
33 by changing Section 3-5-4 as follows:

34 (730 ILCS 5/3-5-4)

1 Sec. 3-5-4. Exchange of information for child support
2 enforcement.

3 (a) The Department shall exchange with the Illinois
4 Department of Public Aid information that may be necessary for
5 the enforcement of child support orders entered pursuant to the
6 Illinois Public Aid Code, the Illinois Marriage and Dissolution
7 of Marriage Act, the Non-Support of Spouse and Children Act,
8 the Non-Support Punishment Act, the Revised Uniform Reciprocal
9 Enforcement of Support Act, the Uniform Interstate Family
10 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the
11 Uniform Parentage Act (2000).

12 (b) Notwithstanding any provisions in this Code to the
13 contrary, the Department shall not be liable to any person for
14 any disclosure of information to the Illinois Department of
15 Public Aid under subsection (a) or for any other action taken
16 in good faith to comply with the requirements of subsection
17 (a).

18 (Source: P.A. 90-18, eff. 1-1-97; 91-613, eff. 10-1-99.)

19 Section 905.15. The Code of Civil Procedure is amended by
20 changing Sections 2-209, 2-1401, and 12-112 as follows:

21 (735 ILCS 5/2-209) (from Ch. 110, par. 2-209)

22 Sec. 2-209. Act submitting to jurisdiction - Process.

23 (a) Any person, whether or not a citizen or resident of
24 this State, who in person or through an agent does any of the
25 acts hereinafter enumerated, thereby submits such person, and,
26 if an individual, his or her personal representative, to the
27 jurisdiction of the courts of this State as to any cause of
28 action arising from the doing of any of such acts:

29 (1) The transaction of any business within this State;

30 (2) The commission of a tortious act within this State;

31 (3) The ownership, use, or possession of any real
32 estate situated in this State;

33 (4) Contracting to insure any person, property or risk
34 located within this State at the time of contracting;

1 (5) With respect to actions of dissolution of marriage,
2 declaration of invalidity of marriage and legal
3 separation, the maintenance in this State of a matrimonial
4 domicile at the time this cause of action arose or the
5 commission in this State of any act giving rise to the
6 cause of action;

7 (6) With respect to actions brought under the Illinois
8 Parentage Act of 1984, as now or hereafter amended, or
9 under the Uniform Parentage Act (2000), the performance of
10 an act of sexual intercourse within this State during the
11 possible period of conception;

12 (7) The making or performance of any contract or
13 promise substantially connected with this State;

14 (8) The performance of sexual intercourse within this
15 State which is claimed to have resulted in the conception
16 of a child who resides in this State;

17 (9) The failure to support a child, spouse or former
18 spouse who has continued to reside in this State since the
19 person either formerly resided with them in this State or
20 directed them to reside in this State;

21 (10) The acquisition of ownership, possession or
22 control of any asset or thing of value present within this
23 State when ownership, possession or control was acquired;

24 (11) The breach of any fiduciary duty within this
25 State;

26 (12) The performance of duties as a director or officer
27 of a corporation organized under the laws of this State or
28 having its principal place of business within this State;

29 (13) The ownership of an interest in any trust
30 administered within this State; or

31 (14) The exercise of powers granted under the authority
32 of this State as a fiduciary.

33 (b) A court may exercise jurisdiction in any action arising
34 within or without this State against any person who:

35 (1) Is a natural person present within this State when
36 served;

1 (2) Is a natural person domiciled or resident within
2 this State when the cause of action arose, the action was
3 commenced, or process was served;

4 (3) Is a corporation organized under the laws of this
5 State; or

6 (4) Is a natural person or corporation doing business
7 within this State.

8 (c) A court may also exercise jurisdiction on any other
9 basis now or hereafter permitted by the Illinois Constitution
10 and the Constitution of the United States.

11 (d) Service of process upon any person who is subject to
12 the jurisdiction of the courts of this State, as provided in
13 this Section, may be made by personally serving the summons
14 upon the defendant outside this State, as provided in this Act,
15 with the same force and effect as though summons had been
16 personally served within this State.

17 (e) Service of process upon any person who resides or whose
18 business address is outside the United States and who is
19 subject to the jurisdiction of the courts of this State, as
20 provided in this Section, in any action based upon product
21 liability may be made by serving a copy of the summons with a
22 copy of the complaint attached upon the Secretary of State. The
23 summons shall be accompanied by a \$5 fee payable to the
24 Secretary of State. The plaintiff shall forthwith mail a copy
25 of the summons, upon which the date of service upon the
26 Secretary is clearly shown, together with a copy of the
27 complaint to the defendant at his or her last known place of
28 residence or business address. Plaintiff shall file with the
29 circuit clerk an affidavit of the plaintiff or his or her
30 attorney stating the last known place of residence or the last
31 known business address of the defendant and a certificate of
32 mailing a copy of the summons and complaint to the defendant at
33 such address as required by this subsection (e). The
34 certificate of mailing shall be prima facie evidence that the
35 plaintiff or his or her attorney mailed a copy of the summons
36 and complaint to the defendant as required. Service of the

1 summons shall be deemed to have been made upon the defendant on
2 the date it is served upon the Secretary and shall have the
3 same force and effect as though summons had been personally
4 served upon the defendant within this State.

5 (f) Only causes of action arising from acts enumerated
6 herein may be asserted against a defendant in an action in
7 which jurisdiction over him or her is based upon subsection
8 (a).

9 (g) Nothing herein contained limits or affects the right to
10 serve any process in any other manner now or hereafter provided
11 by law.

12 (Source: P.A. 86-840.)

13 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

14 Sec. 2-1401. Relief from judgments.

15 (a) Relief from final orders and judgments, after 30 days
16 from the entry thereof, may be had upon petition as provided in
17 this Section. Writs of error coram nobis and coram vobis, bills
18 of review and bills in the nature of bills of review are
19 abolished. All relief heretofore obtainable and the grounds for
20 such relief heretofore available, whether by any of the
21 foregoing remedies or otherwise, shall be available in every
22 case, by proceedings hereunder, regardless of the nature of the
23 order or judgment from which relief is sought or of the
24 proceedings in which it was entered. Except as provided in the
25 Uniform Parentage Act (2000) ~~Section 6 of the Illinois~~
26 ~~Parentage Act of 1984~~, there shall be no distinction between
27 actions and other proceedings, statutory or otherwise, as to
28 availability of relief, grounds for relief or the relief
29 obtainable.

30 (b) The petition must be filed in the same proceeding in
31 which the order or judgment was entered but is not a
32 continuation thereof. The petition must be supported by
33 affidavit or other appropriate showing as to matters not of
34 record. All parties to the petition shall be notified as
35 provided by rule.

1 (c) Except as provided in Section 20b of the Adoption Act
2 and Section 2-32 ~~3-32~~ of the Juvenile Court Act of 1987 or in a
3 petition based upon Section 116-3 of the Code of Criminal
4 Procedure of 1963, the petition must be filed not later than 2
5 years after the entry of the order or judgment. Time during
6 which the person seeking relief is under legal disability or
7 duress or the ground for relief is fraudulently concealed shall
8 be excluded in computing the period of 2 years.

9 (d) The filing of a petition under this Section does not
10 affect the order or judgment, or suspend its operation.

11 (e) Unless lack of jurisdiction affirmatively appears from
12 the record proper, the vacation or modification of an order or
13 judgment pursuant to the provisions of this Section does not
14 affect the right, title or interest in or to any real or
15 personal property of any person, not a party to the original
16 action, acquired for value after the entry of the order or
17 judgment but before the filing of the petition, nor affect any
18 right of any person not a party to the original action under
19 any certificate of sale issued before the filing of the
20 petition, pursuant to a sale based on the order or judgment.

21 (f) Nothing contained in this Section affects any existing
22 right to relief from a void order or judgment, or to employ any
23 existing method to procure that relief.

24 (Source: P.A. 90-18, eff. 7-1-97; 90-27, eff. 1-1-98; 90-141,
25 eff. 1-1-98; 90-655, eff. 7-30-98; revised 11-06-02.)

26 (735 ILCS 5/12-112) (from Ch. 110, par. 12-112)

27 Sec. 12-112. What liable to enforcement. All the lands,
28 tenements, real estate, goods and chattels (except such as is
29 by law declared to be exempt) of every person against whom any
30 judgment has been or shall be hereafter entered in any court,
31 for any debt, damages, costs, or other sum of money, shall be
32 liable to be sold upon such judgment. Any real property, or any
33 beneficial interest in a land trust, held in tenancy by the
34 entirety shall not be liable to be sold upon judgment entered
35 on or after October 1, 1990 against only one of the tenants,

1 except if the property was transferred into tenancy by the
2 entirety with the sole intent to avoid the payment of debts
3 existing at the time of the transfer beyond the transferor's
4 ability to pay those debts as they become due. However, any
5 income from such property shall be subject to garnishment as
6 provided in Part 7 of this Article XII, whether judgment has
7 been entered against one or both of the tenants.

8 If the court authorizes the piercing of the ownership veil
9 pursuant to Section 505 of the Illinois Marriage and
10 Dissolution of Marriage Act ~~or Section 15 of the Illinois~~
11 ~~Parentage Act of 1984~~, any assets determined to be those of the
12 non-custodial parent, although not held in name of the
13 non-custodial parent, shall be subject to attachment or other
14 provisional remedy in accordance with the procedure prescribed
15 by this Code. The court may not authorize attachment of
16 property or any other provisional remedy under this paragraph
17 unless it has obtained jurisdiction over the entity holding
18 title to the property by proper service on that entity. With
19 respect to assets which are real property, no order entered as
20 described in this paragraph shall affect the rights of bona
21 fide purchasers, mortgagees, judgment creditors, or other lien
22 holders who acquire their interests in the property prior to
23 the time a notice of lis pendens pursuant to this Code or a
24 copy of the order is placed of record in the office of the
25 recorder of deeds for the county in which the real property is
26 located.

27 This amendatory Act of 1995 (P.A. 89-438) is declarative of
28 existing law.

29 This amendatory Act of 1997 (P.A. 90-514) is intended as a
30 clarification of existing law and not as a new enactment.

31 (Source: P.A. 89-88, eff. 6-30-95; 89-438, eff. 12-15-95;
32 90-476, eff. 1-1-98; 90-514, eff. 8-22-97; 90-655, eff.
33 7-30-98.)

34 Section 905.16. The Illinois Marriage and Dissolution of
35 Marriage Act is amended by changing Section 713 as follows:

1 (750 ILCS 5/713) (from Ch. 40, par. 713)

2 Sec. 713. Attachment of the Body. As used in this Section,
3 "obligor" has the same meaning ascribed to such term in the
4 Income Withholding for Support Act.

5 (a) In any proceeding to enforce an order for support,
6 where the obligor has failed to appear in court pursuant to
7 order of court and after due notice thereof, the court may
8 enter an order for the attachment of the body of the obligor.
9 Notices under this Section shall be served upon the obligor by
10 any means authorized under subsection (a-5) of Section 505. The
11 attachment order shall fix an amount of escrow which is equal
12 to a minimum of 20% of the total child support arrearage
13 alleged by the obligee in sworn testimony to be due and owing.
14 The attachment order shall direct the Sheriff of any county in
15 Illinois to take the obligor into custody and shall set the
16 number of days following release from custody for a hearing to
17 be held at which the obligor must appear, if he is released
18 under subsection (b) of this Section.

19 (b) If the obligor is taken into custody, the Sheriff shall
20 take the obligor before the court which entered the attachment
21 order. However, the Sheriff may release the person after he or
22 she has deposited the amount of escrow ordered by the court
23 pursuant to local procedures for the posting of bond. The
24 Sheriff shall advise the obligor of the hearing date at which
25 the obligor is required to appear.

26 (c) Any escrow deposited pursuant to this Section shall be
27 transmitted to the Clerk of the Circuit Court for the county in
28 which the order for attachment of the body of the obligor was
29 entered. Any Clerk who receives money deposited into escrow
30 pursuant to this Section shall notify the obligee, public
31 office or legal counsel whose name appears on the attachment
32 order of the court date at which the obligor is required to
33 appear and the amount deposited into escrow. The Clerk shall
34 disburse such money to the obligee only under an order from the
35 court that entered the attachment order pursuant to this

1 Section.

2 (d) Whenever an obligor is taken before the court by the
3 Sheriff, or appears in court after the court has ordered the
4 attachment of his body, the court shall:

5 (1) hold a hearing on the complaint or petition that
6 gave rise to the attachment order. For purposes of
7 determining arrearages that are due and owing by the
8 obligor, the court shall accept the previous sworn
9 testimony of the obligee as true and the appearance of the
10 obligee shall not be required. The court shall require
11 sworn testimony of the obligor as to his or her Social
12 Security number, income, employment, bank accounts,
13 property and any other assets. If there is a dispute as to
14 the total amount of arrearages, the court shall proceed as
15 in any other case as to the undisputed amounts; and

16 (2) order the Clerk of the Circuit Court to disburse to
17 the obligee or public office money held in escrow pursuant
18 to this Section if the court finds that the amount of
19 arrearages exceeds the amount of the escrow. Amounts
20 received by the obligee or public office shall be deducted
21 from the amount of the arrearages.

22 (e) If the obligor fails to appear in court after being
23 notified of the court date by the Sheriff upon release from
24 custody, the court shall order any monies deposited into escrow
25 to be immediately released to the obligee or public office and
26 shall proceed under subsection (a) of this Section by entering
27 another order for the attachment of the body of the obligor.

28 (f) This Section shall apply to any order for support
29 issued under the "Illinois Marriage and Dissolution of Marriage
30 Act", approved September 22, 1977, as amended; the Uniform
31 Parentage Act (2000); the "Illinois Parentage Act of 1984",
32 effective July 1, 1985, as amended; the "Revised Uniform
33 Reciprocal Enforcement of Support Act", approved August 28,
34 1969, as amended; "The Illinois Public Aid Code", approved
35 April 11, 1967, as amended; the Non-Support Punishment Act; and
36 the "Non-support of Spouse and Children Act", approved June 8,

1 1953, as amended.

2 (g) Any escrow established pursuant to this Section for the
3 purpose of providing support shall not be subject to fees
4 collected by the Clerk of the Circuit Court for any other
5 escrow.

6 (Source: P.A. 91-113, eff. 7-15-99; 91-613, eff. 10-1-99;
7 92-16, eff. 6-28-01.)

8 Section 905.17. The Expedited Child Support Act of 1990 is
9 amended by changing Section 6 as follows:

10 (750 ILCS 25/6) (from Ch. 40, par. 2706)

11 Sec. 6. Authority of hearing officers.

12 (a) With the exception of judicial functions exclusively
13 retained by the court in Section 8 of this Act and in
14 accordance with Supreme Court rules promulgated pursuant to
15 this Act, Administrative Hearing Officers shall be authorized
16 to:

17 (1) Accept voluntary agreements reached by the parties
18 setting the amount of child support to be paid and medical
19 support liability and recommend the entry of orders
20 incorporating such agreements.

21 (2) Accept voluntary acknowledgments of parentage and
22 recommend entry of an order establishing parentage based on
23 such acknowledgement. Prior to accepting such
24 acknowledgment, the Administrative Hearing Officer shall
25 advise the putative father of his rights and obligations in
26 accordance with Supreme Court rules promulgated pursuant
27 to this Act.

28 (3) Manage all stages of discovery, including setting
29 deadlines by which discovery must be completed; and
30 directing the parties to submit to appropriate tests
31 pursuant to the Uniform Parentage Act (2000) ~~Section 11 of~~
32 ~~the Illinois Parentage Act of 1984.~~

33 (4) Cause notices to be issued requiring the Obligor to
34 appear either before the Administrative Hearing Officer or

1 in court.

2 (5) Administer the oath or affirmation and take
3 testimony under oath or affirmation.

4 (6) Analyze the evidence and prepare written
5 recommendations based on such evidence, including but not
6 limited to: (i) proposed findings as to the amount of the
7 Obligor's income; (ii) proposed findings as to the amount
8 and nature of appropriate deductions from the Obligor's
9 income to determine the Obligor's net income; (iii)
10 proposed findings as to the existence of relevant factors
11 as set forth in subsection (a)(2) of Section 505 of the
12 Illinois Marriage and Dissolution of Marriage Act, which
13 justify setting child support payment levels above or below
14 the guidelines; (iv) recommended orders for temporary
15 child support; (v) recommended orders setting the amount of
16 current child support to be paid; (vi) proposed findings as
17 to the existence and amount of any arrearages; (vii)
18 recommended orders reducing any arrearages to judgement
19 and for the payment of amounts towards such arrearages;
20 (viii) proposed findings as to whether there has been a
21 substantial change of circumstances since the entry of the
22 last child support order, or other circumstances
23 justifying a modification of the child support order; and
24 (ix) proposed findings as to whether the Obligor is
25 employed.

26 (7) With respect to any unemployed Obligor who is not
27 making child support payments or is otherwise unable to
28 provide support, recommend that the Obligor be ordered to
29 seek employment and report periodically of his or her
30 efforts in accordance with such order. Additionally, the
31 Administrative Hearing Officer may recommend that the
32 Obligor be ordered to report to the Department of
33 Employment Security for job search services or to make
34 application with the local Job Training Partnership Act
35 provider for participation in job search, training or work
36 programs and, where the duty of support is owed to a child

1 receiving child support enforcement services under Article
2 X of the Illinois Public Aid Code, the Administrative
3 Hearing Officer may recommend that the Obligor be ordered
4 to report to the Illinois Department of Public Aid for
5 participation in the job search, training or work programs
6 established under Section 9-6 of the Public Aid Code.

7 (8) Recommend the registration of any foreign support
8 judgments or orders as the judgments or orders of Illinois.

9 (b) In any case in which the Obligee is not participating
10 in the IV-D program or has not applied to participate in the
11 IV-D program, the Administrative Hearing Officer shall:

12 (1) inform the Obligee of the existence of the IV-D
13 program and provide applications on request; and

14 (2) inform the Obligee and the Obligor of the option of
15 requesting payment to be made through the Clerk of the
16 Circuit Court.

17 If a request for payment through the Clerk is made, the
18 Administrative Hearing Officer shall note this fact in the
19 recommendations to the court.

20 (c) The Administrative Hearing Officer may make
21 recommendations in addition to the proposed findings of fact
22 and recommended order to which the parties have agreed.

23 (Source: P.A. 92-16, eff. 6-28-01; 92-590, eff. 7-1-02.)

24 Section 905.18. The Adoption Act is amended by changing
25 Sections 1, 7, 8, 12.1, and 18.06 as follows:

26 (750 ILCS 50/1) (from Ch. 40, par. 1501)

27 Sec. 1. Definitions. When used in this Act, unless the
28 context otherwise requires:

29 A. "Child" means a person under legal age subject to
30 adoption under this Act.

31 B. "Related child" means a child subject to adoption where
32 either or both of the adopting parents stands in any of the
33 following relationships to the child by blood or marriage:
34 parent, grand-parent, brother, sister, step-parent,

1 step-grandparent, step-brother, step-sister, uncle, aunt,
2 great-uncle, great-aunt, or cousin of first degree. A child
3 whose parent has executed a final irrevocable consent to
4 adoption or a final irrevocable surrender for purposes of
5 adoption, or whose parent has had his or her parental rights
6 terminated, is not a related child to that person, unless the
7 consent is determined to be void or is void pursuant to
8 subsection O of Section 10.

9 C. "Agency" for the purpose of this Act means a public
10 child welfare agency or a licensed child welfare agency.

11 D. "Unfit person" means any person whom the court shall
12 find to be unfit to have a child, without regard to the
13 likelihood that the child will be placed for adoption. The
14 grounds of unfitness are any one or more of the following,
15 except that a person shall not be considered an unfit person
16 for the sole reason that the person has relinquished a child in
17 accordance with the Abandoned Newborn Infant Protection Act:

18 (a) Abandonment of the child.

19 (a-1) Abandonment of a newborn infant in a hospital.

20 (a-2) Abandonment of a newborn infant in any setting
21 where the evidence suggests that the parent intended to
22 relinquish his or her parental rights.

23 (b) Failure to maintain a reasonable degree of
24 interest, concern or responsibility as to the child's
25 welfare.

26 (c) Desertion of the child for more than 3 months next
27 preceding the commencement of the Adoption proceeding.

28 (d) Substantial neglect of the child if continuous or
29 repeated.

30 (d-1) Substantial neglect, if continuous or repeated,
31 of any child residing in the household which resulted in
32 the death of that child.

33 (e) Extreme or repeated cruelty to the child.

34 (f) Two or more findings of physical abuse to any
35 children under Section 4-8 of the Juvenile Court Act or
36 Section 2-21 of the Juvenile Court Act of 1987, the most

1 recent of which was determined by the juvenile court
2 hearing the matter to be supported by clear and convincing
3 evidence; a criminal conviction or a finding of not guilty
4 by reason of insanity resulting from the death of any child
5 by physical child abuse; or a finding of physical child
6 abuse resulting from the death of any child under Section
7 4-8 of the Juvenile Court Act or Section 2-21 of the
8 Juvenile Court Act of 1987.

9 (g) Failure to protect the child from conditions within
10 his environment injurious to the child's welfare.

11 (h) Other neglect of, or misconduct toward the child;
12 provided that in making a finding of unfitness the court
13 hearing the adoption proceeding shall not be bound by any
14 previous finding, order or judgment affecting or
15 determining the rights of the parents toward the child
16 sought to be adopted in any other proceeding except such
17 proceedings terminating parental rights as shall be had
18 under either this Act, the Juvenile Court Act or the
19 Juvenile Court Act of 1987.

20 (i) Depravity. Conviction of any one of the following
21 crimes shall create a presumption that a parent is deprived
22 which can be overcome only by clear and convincing
23 evidence: (1) first degree murder in violation of paragraph
24 1 or 2 of subsection (a) of Section 9-1 of the Criminal
25 Code of 1961 or conviction of second degree murder in
26 violation of subsection (a) of Section 9-2 of the Criminal
27 Code of 1961 of a parent of the child to be adopted; (2)
28 first degree murder or second degree murder of any child in
29 violation of the Criminal Code of 1961; (3) attempt or
30 conspiracy to commit first degree murder or second degree
31 murder of any child in violation of the Criminal Code of
32 1961; (4) solicitation to commit murder of any child,
33 solicitation to commit murder of any child for hire, or
34 solicitation to commit second degree murder of any child in
35 violation of the Criminal Code of 1961; or (5) aggravated
36 criminal sexual assault in violation of Section

1 12-14(b) (1) of the Criminal Code of 1961.

2 There is a rebuttable presumption that a parent is
3 deprived if the parent has been criminally convicted of at
4 least 3 felonies under the laws of this State or any other
5 state, or under federal law, or the criminal laws of any
6 United States territory; and at least one of these
7 convictions took place within 5 years of the filing of the
8 petition or motion seeking termination of parental rights.

9 There is a rebuttable presumption that a parent is
10 deprived if that parent has been criminally convicted of
11 either first or second degree murder of any person as
12 defined in the Criminal Code of 1961 within 10 years of the
13 filing date of the petition or motion to terminate parental
14 rights.

15 (j) Open and notorious adultery or fornication.

16 (j-1) (Blank).

17 (k) Habitual drunkenness or addiction to drugs, other
18 than those prescribed by a physician, for at least one year
19 immediately prior to the commencement of the unfitness
20 proceeding.

21 There is a rebuttable presumption that a parent is
22 unfit under this subsection with respect to any child to
23 which that parent gives birth where there is a confirmed
24 test result that at birth the child's blood, urine, or
25 meconium contained any amount of a controlled substance as
26 defined in subsection (f) of Section 102 of the Illinois
27 Controlled Substances Act or metabolites of such
28 substances, the presence of which in the newborn infant was
29 not the result of medical treatment administered to the
30 mother or the newborn infant; and the biological mother of
31 this child is the biological mother of at least one other
32 child who was adjudicated a neglected minor under
33 subsection (c) of Section 2-3 of the Juvenile Court Act of
34 1987.

35 (l) Failure to demonstrate a reasonable degree of
36 interest, concern or responsibility as to the welfare of a

1 new born child during the first 30 days after its birth.

2 (m) Failure by a parent (i) to make reasonable efforts
3 to correct the conditions that were the basis for the
4 removal of the child from the parent, or (ii) to make
5 reasonable progress toward the return of the child to the
6 parent within 9 months after an adjudication of neglected
7 or abused minor under Section 2-3 of the Juvenile Court Act
8 of 1987 or dependent minor under Section 2-4 of that Act,
9 or (iii) to make reasonable progress toward the return of
10 the child to the parent during any 9-month period after the
11 end of the initial 9-month period following the
12 adjudication of neglected or abused minor under Section 2-3
13 of the Juvenile Court Act of 1987 or dependent minor under
14 Section 2-4 of that Act. If a service plan has been
15 established as required under Section 8.2 of the Abused and
16 Neglected Child Reporting Act to correct the conditions
17 that were the basis for the removal of the child from the
18 parent and if those services were available, then, for
19 purposes of this Act, "failure to make reasonable progress
20 toward the return of the child to the parent" includes (I)
21 the parent's failure to substantially fulfill his or her
22 obligations under the service plan and correct the
23 conditions that brought the child into care within 9 months
24 after the adjudication under Section 2-3 or 2-4 of the
25 Juvenile Court Act of 1987 and (II) the parent's failure to
26 substantially fulfill his or her obligations under the
27 service plan and correct the conditions that brought the
28 child into care during any 9-month period after the end of
29 the initial 9-month period following the adjudication
30 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.

31 (m-1) Pursuant to the Juvenile Court Act of 1987, a
32 child has been in foster care for 15 months out of any 22
33 month period which begins on or after the effective date of
34 this amendatory Act of 1998 unless the child's parent can
35 prove by a preponderance of the evidence that it is more
36 likely than not that it will be in the best interests of

1 the child to be returned to the parent within 6 months of
2 the date on which a petition for termination of parental
3 rights is filed under the Juvenile Court Act of 1987. The
4 15 month time limit is tolled during any period for which
5 there is a court finding that the appointed custodian or
6 guardian failed to make reasonable efforts to reunify the
7 child with his or her family, provided that (i) the finding
8 of no reasonable efforts is made within 60 days of the
9 period when reasonable efforts were not made or (ii) the
10 parent filed a motion requesting a finding of no reasonable
11 efforts within 60 days of the period when reasonable
12 efforts were not made. For purposes of this subdivision
13 (m-1), the date of entering foster care is the earlier of:
14 (i) the date of a judicial finding at an adjudicatory
15 hearing that the child is an abused, neglected, or
16 dependent minor; or (ii) 60 days after the date on which
17 the child is removed from his or her parent, guardian, or
18 legal custodian.

19 (n) Evidence of intent to forgo his or her parental
20 rights, whether or not the child is a ward of the court,
21 (1) as manifested by his or her failure for a period of 12
22 months: (i) to visit the child, (ii) to communicate with
23 the child or agency, although able to do so and not
24 prevented from doing so by an agency or by court order, or
25 (iii) to maintain contact with or plan for the future of
26 the child, although physically able to do so, or (2) as
27 manifested by the father's failure, where he and the mother
28 of the child were unmarried to each other at the time of
29 the child's birth, (i) to commence legal proceedings to
30 establish his paternity under the Illinois Parentage Act of
31 1984, the Uniform Parentage Act (2000), or the law of the
32 jurisdiction of the child's birth within 30 days of being
33 informed, ~~pursuant to Section 12a of this Act,~~ that he is
34 the father or the likely father of the child or, after
35 being so informed where the child is not yet born, within
36 30 days of the child's birth, or (ii) to make a good faith

1 effort to pay a reasonable amount of the expenses related
2 to the birth of the child and to provide a reasonable
3 amount for the financial support of the child, the court to
4 consider in its determination all relevant circumstances,
5 including the financial condition of both parents;
6 provided that the ground for termination provided in this
7 subparagraph (n)(2)(ii) shall only be available where the
8 petition is brought by the mother or the husband of the
9 mother.

10 Contact or communication by a parent with his or her
11 child that does not demonstrate affection and concern does
12 not constitute reasonable contact and planning under
13 subdivision (n). In the absence of evidence to the
14 contrary, the ability to visit, communicate, maintain
15 contact, pay expenses and plan for the future shall be
16 presumed. The subjective intent of the parent, whether
17 expressed or otherwise, unsupported by evidence of the
18 foregoing parental acts manifesting that intent, shall not
19 preclude a determination that the parent has intended to
20 forgo his or her parental rights. In making this
21 determination, the court may consider but shall not require
22 a showing of diligent efforts by an authorized agency to
23 encourage the parent to perform the acts specified in
24 subdivision (n).

25 It shall be an affirmative defense to any allegation
26 under paragraph (2) of this subsection that the father's
27 failure was due to circumstances beyond his control or to
28 impediments created by the mother or any other person
29 having legal custody. Proof of that fact need only be by a
30 preponderance of the evidence.

31 (o) Repeated or continuous failure by the parents,
32 although physically and financially able, to provide the
33 child with adequate food, clothing, or shelter.

34 (p) Inability to discharge parental responsibilities
35 supported by competent evidence from a psychiatrist,
36 licensed clinical social worker, or clinical psychologist

1 of mental impairment, mental illness or mental retardation
2 as defined in Section 1-116 of the Mental Health and
3 Developmental Disabilities Code, or developmental
4 disability as defined in Section 1-106 of that Code, and
5 there is sufficient justification to believe that the
6 inability to discharge parental responsibilities shall
7 extend beyond a reasonable time period. However, this
8 subdivision (p) shall not be construed so as to permit a
9 licensed clinical social worker to conduct any medical
10 diagnosis to determine mental illness or mental
11 impairment.

12 (q) The parent has been criminally convicted of
13 aggravated battery, heinous battery, or attempted murder
14 of any child.

15 (r) The child is in the temporary custody or
16 guardianship of the Department of Children and Family
17 Services, the parent is incarcerated as a result of
18 criminal conviction at the time the petition or motion for
19 termination of parental rights is filed, prior to
20 incarceration the parent had little or no contact with the
21 child or provided little or no support for the child, and
22 the parent's incarceration will prevent the parent from
23 discharging his or her parental responsibilities for the
24 child for a period in excess of 2 years after the filing of
25 the petition or motion for termination of parental rights.

26 (s) The child is in the temporary custody or
27 guardianship of the Department of Children and Family
28 Services, the parent is incarcerated at the time the
29 petition or motion for termination of parental rights is
30 filed, the parent has been repeatedly incarcerated as a
31 result of criminal convictions, and the parent's repeated
32 incarceration has prevented the parent from discharging
33 his or her parental responsibilities for the child.

34 (t) A finding that at birth the child's blood, urine,
35 or meconium contained any amount of a controlled substance
36 as defined in subsection (f) of Section 102 of the Illinois

1 Controlled Substances Act, or a metabolite of a controlled
2 substance, with the exception of controlled substances or
3 metabolites of such substances, the presence of which in
4 the newborn infant was the result of medical treatment
5 administered to the mother or the newborn infant, and that
6 the biological mother of this child is the biological
7 mother of at least one other child who was adjudicated a
8 neglected minor under subsection (c) of Section 2-3 of the
9 Juvenile Court Act of 1987, after which the biological
10 mother had the opportunity to enroll in and participate in
11 a clinically appropriate substance abuse counseling,
12 treatment, and rehabilitation program.

13 E. "Parent" means the father or mother of a legitimate or
14 illegitimate child. For the purpose of this Act, a person who
15 has executed a final and irrevocable consent to adoption or a
16 final and irrevocable surrender for purposes of adoption, or
17 whose parental rights have been terminated by a court, is not a
18 parent of the child who was the subject of the consent or
19 surrender, unless the consent is void pursuant to subsection O
20 of Section 10.

21 F. A person is available for adoption when the person is:

22 (a) a child who has been surrendered for adoption to an
23 agency and to whose adoption the agency has thereafter
24 consented;

25 (b) a child to whose adoption a person authorized by
26 law, other than his parents, has consented, or to whose
27 adoption no consent is required pursuant to Section 8 of
28 this Act;

29 (c) a child who is in the custody of persons who intend
30 to adopt him through placement made by his parents;

31 (c-1) a child for whom a parent has signed a specific
32 consent pursuant to subsection O of Section 10;

33 (d) an adult who meets the conditions set forth in
34 Section 3 of this Act; or

35 (e) a child who has been relinquished as defined in
36 Section 10 of the Abandoned Newborn Infant Protection Act.

1 A person who would otherwise be available for adoption
2 shall not be deemed unavailable for adoption solely by reason
3 of his or her death.

4 G. The singular includes the plural and the plural includes
5 the singular and the "male" includes the "female", as the
6 context of this Act may require.

7 H. "Adoption disruption" occurs when an adoptive placement
8 does not prove successful and it becomes necessary for the
9 child to be removed from placement before the adoption is
10 finalized.

11 I. "Foreign placing agency" is an agency or individual
12 operating in a country or territory outside the United States
13 that is authorized by its country to place children for
14 adoption either directly with families in the United States or
15 through United States based international agencies.

16 J. "Immediate relatives" means the biological parents, the
17 parents of the biological parents and siblings of the
18 biological parents.

19 K. "Intercountry adoption" is a process by which a child
20 from a country other than the United States is adopted.

21 L. "Intercountry Adoption Coordinator" is a staff person of
22 the Department of Children and Family Services appointed by the
23 Director to coordinate the provision of services by the public
24 and private sector to prospective parents of foreign-born
25 children.

26 M. "Interstate Compact on the Placement of Children" is a
27 law enacted by most states for the purpose of establishing
28 uniform procedures for handling the interstate placement of
29 children in foster homes, adoptive homes, or other child care
30 facilities.

31 N. "Non-Compact state" means a state that has not enacted
32 the Interstate Compact on the Placement of Children.

33 O. "Preadoption requirements" are any conditions
34 established by the laws or regulations of the Federal
35 Government or of each state that must be met prior to the
36 placement of a child in an adoptive home.

1 P. "Abused child" means a child whose parent or immediate
2 family member, or any person responsible for the child's
3 welfare, or any individual residing in the same home as the
4 child, or a paramour of the child's parent:

5 (a) inflicts, causes to be inflicted, or allows to be
6 inflicted upon the child physical injury, by other than
7 accidental means, that causes death, disfigurement,
8 impairment of physical or emotional health, or loss or
9 impairment of any bodily function;

10 (b) creates a substantial risk of physical injury to
11 the child by other than accidental means which would be
12 likely to cause death, disfigurement, impairment of
13 physical or emotional health, or loss or impairment of any
14 bodily function;

15 (c) commits or allows to be committed any sex offense
16 against the child, as sex offenses are defined in the
17 Criminal Code of 1961 and extending those definitions of
18 sex offenses to include children under 18 years of age;

19 (d) commits or allows to be committed an act or acts of
20 torture upon the child; or

21 (e) inflicts excessive corporal punishment.

22 Q. "Neglected child" means any child whose parent or other
23 person responsible for the child's welfare withholds or denies
24 nourishment or medically indicated treatment including food or
25 care denied solely on the basis of the present or anticipated
26 mental or physical impairment as determined by a physician
27 acting alone or in consultation with other physicians or
28 otherwise does not provide the proper or necessary support,
29 education as required by law, or medical or other remedial care
30 recognized under State law as necessary for a child's
31 well-being, or other care necessary for his or her well-being,
32 including adequate food, clothing and shelter; or who is
33 abandoned by his or her parents or other person responsible for
34 the child's welfare.

35 A child shall not be considered neglected or abused for the
36 sole reason that the child's parent or other person responsible

1 for his or her welfare depends upon spiritual means through
2 prayer alone for the treatment or cure of disease or remedial
3 care as provided under Section 4 of the Abused and Neglected
4 Child Reporting Act. A child shall not be considered neglected
5 or abused for the sole reason that the child's parent or other
6 person responsible for the child's welfare failed to vaccinate,
7 delayed vaccination, or refused vaccination for the child due
8 to a waiver on religious or medical grounds as permitted by
9 law.

10 R. "Putative father" means a man who may be a child's
11 father, but who (1) is not married to the child's mother on or
12 before the date that the child was or is to be born and (2) has
13 not established paternity of the child in a court proceeding
14 before the filing of a petition for the adoption of the child.
15 The term includes a male who is less than 18 years of age.
16 "Putative father" does not mean a man who is the child's father
17 as a result of criminal sexual abuse or assault as defined
18 under Article 12 of the Criminal Code of 1961.

19 S. "Standby adoption" means an adoption in which a parent
20 consents to custody and termination of parental rights to
21 become effective upon the occurrence of a future event, which
22 is either the death of the parent or the request of the parent
23 for the entry of a final judgment of adoption.

24 T. (Blank).

25 (Source: P.A. 92-16, eff. 6-28-01; 92-375, eff. 1-1-02; 92-408,
26 eff. 8-17-01; 92-432, eff. 8-17-01; 92-651, eff. 7-11-02;
27 93-732, eff. 1-1-05.)

28 (750 ILCS 50/7) (from Ch. 40, par. 1509)

29 Sec. 7. Process.

30 A. All persons named in the petition for adoption or
31 standby adoption, other than the petitioners and any party who
32 has previously either denied being a parent pursuant to Section
33 12a of this Act or pursuant to the Uniform Parentage Act (2002)
34 or whose rights have been terminated pursuant to Section 12a of
35 this Act or pursuant to the Uniform Parentage Act of (2002),

1 but including the person sought to be adopted, shall be made
2 parties defendant by name, and if the name or names of any such
3 persons are alleged in the petition to be unknown such persons
4 shall be made parties defendant under the name and style of
5 "All whom it may concern". In all such actions petitioner or
6 his attorney shall file, at the office of the clerk of the
7 court in which the action is pending, an affidavit showing that
8 the defendant resides or has gone out of this State, or on due
9 inquiry cannot be found, or is concealed within this State, so
10 that process cannot be served upon him, and stating the place
11 of residence of the defendant, if known, or that upon diligent
12 inquiry his place of residence cannot be ascertained, the clerk
13 shall cause publication to be made in some newspaper published
14 in the county in which the action is pending. If there is no
15 newspaper published in that county, then the publication shall
16 be in a newspaper published in an adjoining county in this
17 State, having a circulation in the county in which such action
18 is pending. In the event there is service on any of the parties
19 by publication, the publication shall contain notice of
20 pendency of the action, the name of the person to be adopted
21 and the name of the parties to be served by publication, and
22 the date on or after which default may be entered against such
23 parties. Neither the name of petitioners nor the name of any
24 party who has either surrendered said child, has given their
25 consent to the adoption of the child, or whose parental rights
26 have been terminated by a court of competent jurisdiction shall
27 be included in the notice of publication. The Clerk shall also,
28 within ten (10) days of the first publication of the notice,
29 send a copy thereof by mail, addressed to each defendant whose
30 place of residence is stated in such affidavit. The certificate
31 of the Clerk that he sent the copies pursuant to this section
32 is evidence that he has done so. Except as provided in this
33 section pertaining to service by publication, all parties
34 defendant shall be notified of the proceedings in the same
35 manner as is now or may hereafter be required in other civil
36 cases or proceedings. Any party defendant who is of age of 14

1 years or upward may waive service of process by entering an
2 appearance in writing. The form to be used for publication
3 shall be substantially as follows: "ADOPTION NOTICE - STATE OF
4 ILLINOIS, County of, ss. - Circuit Court of County.
5 In the matter of the Petition for the Adoption of, a
6 ..male child. Adoption No. To-- (whom it may concern
7 or the named parent) Take notice that a petition was filed in
8 the Circuit Court of County, Illinois, for the adoption of
9 a child named, Now, therefore, unless you, and all
10 whom it may concern, file your answer to the Petition in the
11 action or otherwise file your appearance therein, in the said
12 Circuit Court of, County, Room,, in the City of
13, Illinois, on or before the day of, a default
14 may be entered against you at any time after that day and a
15 judgment entered in accordance with the prayer of said
16 Petition. Dated,, Illinois,, Clerk. (Name and
17 address of attorney for petitioners.)

18 B. A minor defendant who has been served in accordance with
19 this Section may be defaulted in the same manner as any other
20 defendant.

21 C. Notwithstanding any inconsistent provision of this or
22 any other law, and in addition to the notice requirements of
23 any law pertaining to persons other than those specified in
24 this subsection, the persons entitled to notice that a petition
25 has been filed under Section 5 of this Act shall include:

26 (a) any person adjudicated by a court in this State to
27 be the father of the child;

28 (b) any person adjudicated by a court of another state
29 or territory of the United States to be the father of the
30 child, when a certified copy of the court order has been
31 filed with the Putative Father Registry under Section 12.1
32 of this Act or the Registry of Paternity under the Uniform
33 Parentage Act (2000);

34 (c) any person who at the time of the filing of the
35 petition is registered in the Putative Father Registry
36 under Section 12.1 of this Act or the Registry of Paternity

1 under the Uniform Parentage Act (2000) as the putative
2 father of the child;

3 (d) any person who is recorded on the child's birth
4 certificate as the child's father;

5 (e) any person who is openly living with the child or
6 the child's mother at the time the proceeding is initiated
7 and who is holding himself out to be the child's father;

8 (f) any person who has been identified as the child's
9 father by the mother in a written, sworn statement,
10 including an Affidavit of Identification as specified
11 under Section 11 of this Act;

12 (g) any person who was married to the child's mother on
13 the date of the child's birth or within 300 days prior to
14 the child's birth.

15 The sole purpose of notice under this Section shall be to
16 enable the person receiving notice to appear in the adoption
17 proceedings to present evidence to the court relevant to the
18 best interests of the child.

19 (Source: P.A. 91-572, eff. 1-1-00.)

20 (750 ILCS 50/8) (from Ch. 40, par. 1510)

21 Sec. 8. Consents to adoption and surrenders for purposes of
22 adoption.

23 (a) Except as hereinafter provided in this Section consents
24 or surrenders shall be required in all cases, unless the person
25 whose consent or surrender would otherwise be required shall be
26 found by the court:

27 (1) to be an unfit person as defined in Section 1 of
28 this Act, by clear and convincing evidence; or

29 (2) not to be the biological or adoptive father of the
30 child; or

31 (3) to have waived his parental rights to the child
32 under Section 12a or 12.1 of this Act or under Article 4 of
33 the Uniform Parentage Act (2000); or

34 (4) to be the parent of an adult sought to be adopted;
35 or

1 (5) to be the father of the child as a result of
2 criminal sexual abuse or assault as defined under Article
3 12 of the Criminal Code of 1961; or

4 (6) to have been indicated for child sexual abuse as
5 defined in the Abused and Neglected Child Reporting Act
6 that involved sexual penetration of the mother; or

7 (7) to be at least 5 years older than the mother and
8 the mother was under the age 17 at the time of conception
9 of the child to be adopted.

10 (b) Where consents are required in the case of an adoption
11 of a minor child, the consents of the following persons shall
12 be sufficient:

13 (1) (A) The mother of the minor child; and

14 (B) The father of the minor child, if the father:

15 (i) was married to the mother on the date of
16 birth of the child or within 300 days before the
17 birth of the child, except for a husband or former
18 husband who has been found by a court of competent
19 jurisdiction not to be the biological father of the
20 child; or

21 (ii) is the father of the child under a
22 judgment for adoption, an order of parentage, or an
23 acknowledgment of parentage or paternity pursuant
24 to subsection (a) of Section 5 of the Illinois
25 Parentage Act of 1984 or pursuant to Article 3 of
26 the Uniform Parentage Act (2000); or

27 (iii) in the case of a child placed with the
28 adopting parents less than 6 months after birth,
29 openly lived with the child, the child's
30 biological mother, or both, and held himself out to
31 be the child's biological father during the first
32 30 days following the birth of the child; or

33 (iv) in the case of a child placed with the
34 adopting parents less than 6 months after birth,
35 made a good faith effort to pay a reasonable amount
36 of the expenses related to the birth of the child

1 and to provide a reasonable amount for the
2 financial support of the child before the
3 expiration of 30 days following the birth of the
4 child, provided that the court may consider in its
5 determination all relevant circumstances,
6 including the financial condition of both
7 biological parents; or

8 (v) in the case of a child placed with the
9 adopting parents more than 6 months after birth,
10 has maintained substantial and continuous or
11 repeated contact with the child as manifested by:
12 (I) the payment by the father toward the support of
13 the child of a fair and reasonable sum, according
14 to the father's means, and either (II) the father's
15 visiting the child at least monthly when
16 physically and financially able to do so and not
17 prevented from doing so by the person or authorized
18 agency having lawful custody of the child, or (III)
19 the father's regular communication with the child
20 or with the person or agency having the care or
21 custody of the child, when physically and
22 financially unable to visit the child or prevented
23 from doing so by the person or authorized agency
24 having lawful custody of the child. The subjective
25 intent of the father, whether expressed or
26 otherwise unsupported by evidence of acts
27 specified in this sub-paragraph as manifesting
28 such intent, shall not preclude a determination
29 that the father failed to maintain substantial and
30 continuous or repeated contact with the child; or

31 (vi) in the case of a child placed with the
32 adopting parents more than six months after birth,
33 openly lived with the child for a period of six
34 months within the one year period immediately
35 preceding the placement of the child for adoption
36 and openly held himself out to be the father of the

1 child; or

2 (vii) has timely registered with Putative
3 Father Registry, as provided in Section 12.1 of
4 this Act, or with the Registry of Paternity, as
5 provided in Article 4 of the Uniform Parentage Act
6 (2000), and prior to the expiration of 30 days from
7 the date of such registration, commenced legal
8 proceedings to establish paternity under the
9 Illinois Parentage Act of 1984, under the Uniform
10 Parentage Act (2000), or under the law of the
11 jurisdiction of the child's birth; or

12 (2) The legal guardian of the person of the child, if
13 there is no surviving parent; or

14 (3) An agency, if the child has been surrendered for
15 adoption to such agency; or

16 (4) Any person or agency having legal custody of a
17 child by court order if the parental rights of the parents
18 have been judicially terminated, and the court having
19 jurisdiction of the guardianship of the child has
20 authorized the consent to the adoption; or

21 (5) The execution and verification of the petition by
22 any petitioner who is also a parent of the child sought to
23 be adopted shall be sufficient evidence of such parent's
24 consent to the adoption.

25 (c) Where surrenders to an agency are required in the case
26 of a placement for adoption of a minor child by an agency, the
27 surrenders of the following persons shall be sufficient:

28 (1) (A) The mother of the minor child; and

29 (B) The father of the minor child, if the father:

30 (i) was married to the mother on the date of
31 birth of the child or within 300 days before the
32 birth of the child, except for a husband or former
33 husband who has been found by a court of competent
34 jurisdiction not to be the biological father of the
35 child; or

36 (ii) is the father of the child under a

1 judgment for adoption, an order of parentage, or an
2 acknowledgment of parentage or paternity pursuant
3 to subsection (a) of Section 5 of the Illinois
4 Parentage Act of 1984 or pursuant to Article 3 of
5 the Uniform Parentage Act (2000); or

6 (iii) in the case of a child placed with the
7 adopting parents less than 6 months after birth,
8 openly lived with the child, the child's
9 biological mother, or both, and held himself out to
10 be the child's biological father during the first
11 30 days following the birth of a child; or

12 (iv) in the case of a child placed with the
13 adopting parents less than 6 months after birth,
14 made a good faith effort to pay a reasonable amount
15 of the expenses related to the birth of the child
16 and to provide a reasonable amount for the
17 financial support of the child before the
18 expiration of 30 days following the birth of the
19 child, provided that the court may consider in its
20 determination all relevant circumstances,
21 including the financial condition of both
22 biological parents; or

23 (v) in the case of a child placed with the
24 adopting parents more than six months after birth,
25 has maintained substantial and continuous or
26 repeated contact with the child as manifested by:
27 (I) the payment by the father toward the support of
28 the child of a fair and reasonable sum, according
29 to the father's means, and either (II) the father's
30 visiting the child at least monthly when
31 physically and financially able to do so and not
32 prevented from doing so by the person or authorized
33 agency having lawful custody of the child or (III)
34 the father's regular communication with the child
35 or with the person or agency having the care or
36 custody of the child, when physically and

1 financially unable to visit the child or prevented
2 from doing so by the person or authorized agency
3 having lawful custody of the child. The subjective
4 intent of the father, whether expressed or
5 otherwise, unsupported by evidence of acts
6 specified in this sub-paragraph as manifesting
7 such intent, shall not preclude a determination
8 that the father failed to maintain substantial and
9 continuous or repeated contact with the child; or

10 (vi) in the case of a child placed with the
11 adopting parents more than six months after birth,
12 openly lived with the child for a period of six
13 months within the one year period immediately
14 preceding the placement of the child for adoption
15 and openly held himself out to be the father of the
16 child; or

17 (vii) has timely registered with the Putative
18 Father Registry, as provided in Section 12.1 of
19 this Act, or with the Registry of Paternity, as
20 provided in Article 4 of the Uniform Parentage Act
21 (2000), and prior to the expiration of 30 days from
22 the date of such registration, commenced legal
23 proceedings to establish paternity under the
24 Illinois Parentage Act of 1984, or under the law of
25 the jurisdiction of the child's birth.

26 (d) In making a determination under subparagraphs (b) (1)
27 and (c) (1), no showing shall be required of diligent efforts by
28 a person or agency to encourage the father to perform the acts
29 specified therein.

30 (e) In the case of the adoption of an adult, only the
31 consent of such adult shall be required.

32 (Source: P.A. 93-510, eff. 1-1-04.)

33 (750 ILCS 50/12.1)

34 Sec. 12.1. Putative Father Registry; Registry of
35 Paternity. On and after the effective date of this amendatory

1 Act of the 94th General Assembly, all information and records
2 in the Putative Father Registry are a part of the Registry of
3 Paternity created under the Uniform Parentage Act (2000), have
4 the same force and effect as other information and records in
5 the Registry of Paternity, and are subject to the laws and
6 rules governing the Registry of Paternity. The Department of
7 Children and Family Services shall take all actions necessary
8 to transfer the information and records. ~~The Department of~~
9 ~~Children and Family Services shall establish a Putative Father~~
10 ~~Registry for the purpose of determining the identity and~~
11 ~~location of a putative father of a minor child who is, or is~~
12 ~~expected to be, the subject of an adoption proceeding, in order~~
13 ~~to provide notice of such proceeding to the putative father.~~
14 ~~The Department of Children and Family Services shall establish~~
15 ~~rules and informational material necessary to implement the~~
16 ~~provisions of this Section. The Department shall have the~~
17 ~~authority to set reasonable fees for the use of the Registry.~~

18 ~~(a) The Department shall maintain the following~~
19 ~~information in the Registry:~~

20 ~~(1) With respect to the putative father:~~

21 ~~(i) Name, including any other names by which the~~
22 ~~putative father may be known and that he may provide to~~
23 ~~the Registry;~~

24 ~~(ii) Address at which he may be served with notice~~
25 ~~of a petition under this Act, including any change of~~
26 ~~address;~~

27 ~~(iii) Social Security Number;~~

28 ~~(iv) Date of birth; and~~

29 ~~(v) If applicable, a certified copy of an order by~~
30 ~~a court of this State or of another state or territory~~
31 ~~of the United States adjudicating the putative father~~
32 ~~to be the father of the child.~~

33 ~~(2) With respect to the mother of the child:~~

34 ~~(i) Name, including all other names known to the~~
35 ~~putative father by which the mother may be known;~~

36 ~~(ii) If known to the putative father, her last~~

1 ~~address;~~

2 ~~(iii) Social Security Number; and~~

3 ~~(iv) Date of birth.~~

4 ~~(3) If known to the putative father, the name, gender,~~
5 ~~place of birth, and date of birth or anticipated date of~~
6 ~~birth of the child.~~

7 ~~(4) The date that the Department received the putative~~
8 ~~father's registration.~~

9 ~~(5) Other information as the Department may by rule~~
10 ~~determine necessary for the orderly administration of the~~
11 ~~Registry.~~

12 ~~(b) A putative father may register with the Department~~
13 ~~before the birth of the child but shall register no later than~~
14 ~~30 days after the birth of the child. All registrations shall~~
15 ~~be in writing and signed by the putative father. No fee shall~~
16 ~~be charged for the initial registration. The Department shall~~
17 ~~have no independent obligation to gather the information to be~~
18 ~~maintained.~~

19 ~~(c) An interested party, including persons intending to~~
20 ~~adopt a child, a child welfare agency with whom the mother has~~
21 ~~placed or has given written notice of her intention to place a~~
22 ~~child for adoption, the mother of the child, or an attorney~~
23 ~~representing an interested party may request that the~~
24 ~~Department search the Registry to determine whether a putative~~
25 ~~father is registered in relation to a child who is or may be~~
26 ~~the subject to an adoption petition.~~

27 ~~(d) A search of the Registry may be proven by the~~
28 ~~production of a certified copy of the registration form, or by~~
29 ~~the certified statement of the administrator of the Registry~~
30 ~~that after a search, no registration of a putative father in~~
31 ~~relation to a child who is or may be the subject of an adoption~~
32 ~~petition could be located.~~

33 ~~(e) Except as otherwise provided, information contained~~
34 ~~within the Registry is confidential and shall not be published~~
35 ~~or open to public inspection.~~

36 ~~(f) A person who knowingly or intentionally registers false~~

1 ~~information under this Section commits a Class B misdemeanor. A~~
2 ~~person who knowingly or intentionally releases confidential~~
3 ~~information in violation of this Section commits a Class B~~
4 ~~misdemeanor.~~

5 ~~(g) Except as provided in subsections (b) or (c) of Section~~
6 ~~8 of this Act, a putative father who fails to register with the~~
7 ~~Putative Father Registry as provided in this Section is barred~~
8 ~~from thereafter bringing or maintaining any action to assert~~
9 ~~any interest in the child, unless he proves by clear and~~
10 ~~convincing evidence that:~~

11 ~~(1) it was not possible for him to register within the~~
12 ~~period of time specified in subsection (b) of this Section;~~
13 ~~and~~

14 ~~(2) his failure to register was through no fault of his~~
15 ~~own; and~~

16 ~~(3) he registered within 10 days after it became~~
17 ~~possible for him to file.~~

18 ~~A lack of knowledge of the pregnancy or birth is not an~~
19 ~~acceptable reason for failure to register.~~

20 ~~(h) Except as provided in subsection (b) or (c) of Section~~
21 ~~8 of this Act, failure to timely register with the Putative~~
22 ~~Father Registry (i) shall be deemed to be a waiver and~~
23 ~~surrender of any right to notice of any hearing in any judicial~~
24 ~~proceeding for the adoption of the child, and the consent or~~
25 ~~surrender of that person to the adoption of the child is not~~
26 ~~required, and (ii) shall constitute an abandonment of the child~~
27 ~~and shall be prima facie evidence of sufficient grounds to~~
28 ~~support termination of such father's parental rights under this~~
29 ~~Act.~~

30 ~~(i) In any adoption proceeding pertaining to a child born~~
31 ~~out of wedlock, if there is no showing that a putative father~~
32 ~~has executed a consent or surrender or waived his rights~~
33 ~~regarding the proposed adoption, certification as specified in~~
34 ~~subsection (d) shall be filed with the court prior to entry of~~
35 ~~a final judgment order of adoption.~~

36 ~~(j) The Registry shall not be used to notify a putative~~

1 ~~father who is the father of a child as a result of criminal~~
2 ~~sexual abuse or assault as defined under Article 12 of the~~
3 ~~Criminal Code of 1961.~~

4 (Source: P.A. 89-315, eff. 1-1-96; 90-15, eff. 6-13-97.)

5 (750 ILCS 50/18.06)

6 Sec. 18.06. Definitions. When used in Sections 18.05
7 through Section 18.6, for the purposes of the Registry:

8 "Adopted person" means a person who was adopted pursuant to
9 the laws in effect at the time of the adoption.

10 "Adoptive parent" means a person who has become a parent
11 through the legal process of adoption.

12 "Agency" means a public child welfare agency or a licensed
13 child welfare agency.

14 "Birth father" means the biological father of an adopted or
15 surrendered person who is named on the original certificate of
16 live birth or on a consent or surrender document, or a
17 biological father whose paternity has been established by a
18 judgment or order of the court, pursuant to the Illinois
19 Parentage Act of 1984 or the Uniform Parentage Act (2000).

20 "Birth mother" means the biological mother of an adopted or
21 surrendered person.

22 "Birth parent" means a birth mother or birth father of an
23 adopted or surrendered person.

24 "Birth sibling" means the adult full or half sibling of an
25 adopted or surrendered person.

26 "Denial of Information Exchange" means an affidavit
27 completed by a registrant with the Illinois Adoption Registry
28 and Medical Information Exchange denying the release of
29 identifying information.

30 "Information Exchange Authorization" means an affidavit
31 completed by a registrant with the Illinois Adoption Registry
32 and Medical Information Exchange authorizing the release of
33 identifying information.

34 "Medical Information Exchange Questionnaire" means the
35 medical history questionnaire completed by a registrant of the

1 Illinois Adoption Registry and Medical Information Exchange.

2 "Proof of death" means a death certificate.

3 "Registrant" or "Registered Party" means a birth parent,
4 birth sibling, adopted or surrendered person over the age of
5 21, or adoptive parent or legal guardian of an adopted or
6 surrendered person under the age of 21 who has filed an
7 Illinois Adoption Registry Application or Registration
8 Identification Form with the Registry.

9 "Surrendered person" means a person whose parents' rights
10 have been surrendered or terminated but who has not been
11 adopted.

12 (Source: P.A. 91-417, eff. 1-1-00.)

13 Section 905.19. The Illinois Domestic Violence Act of 1986
14 is amended by changing Sections 202 and 214 as follows:

15 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

16 Sec. 202. Commencement of action; filing fees; dismissal.

17 (a) How to commence action. Actions for orders of
18 protection are commenced:

19 (1) Independently: By filing a petition for an order of
20 protection in any civil court, unless specific courts are
21 designated by local rule or order.

22 (2) In conjunction with another civil proceeding: By
23 filing a petition for an order of protection under the same
24 case number as another civil proceeding involving the
25 parties, including but not limited to: (i) any proceeding
26 under the Illinois Marriage and Dissolution of Marriage
27 Act, Uniform Parentage Act (2000) ~~Illinois Parentage Act of~~
28 ~~1984~~, Nonsupport of Spouse and Children Act, Revised
29 Uniform Reciprocal Enforcement of Support Act or an action
30 for nonsupport brought under Article 10 of the Illinois
31 Public Aid Code, provided that a petitioner and the
32 respondent are a party to or the subject of that proceeding
33 or (ii) a guardianship proceeding under the Probate Act of
34 1975, or a proceeding for involuntary commitment under the

1 Mental Health and Developmental Disabilities Code, or any
2 proceeding, other than a delinquency petition, under the
3 Juvenile Court Act of 1987, provided that a petitioner or
4 the respondent is a party to or the subject of such
5 proceeding.

6 (3) In conjunction with a delinquency petition or a
7 criminal prosecution: By filing a petition for an order of
8 protection, under the same case number as the delinquency
9 petition or criminal prosecution, to be granted during
10 pre-trial release of a defendant, with any dispositional
11 order issued under Section 5-710 of the Juvenile Court Act
12 of 1987 or as a condition of release, supervision,
13 conditional discharge, probation, periodic imprisonment,
14 parole or mandatory supervised release, or in conjunction
15 with imprisonment or a bond forfeiture warrant; provided
16 that:

17 (i) the violation is alleged in an information,
18 complaint, indictment or delinquency petition on file,
19 and the alleged offender and victim are family or
20 household members or persons protected by this Act; and

21 (ii) the petition, which is filed by the State's
22 Attorney, names a victim of the alleged crime as a
23 petitioner.

24 (b) Filing, certification, and service fees. No fee shall
25 be charged by the clerk for filing, amending, vacating,
26 certifying, or photocopying petitions or orders; or for issuing
27 alias summons; or for any related filing service. No fee shall
28 be charged by the sheriff for service by the sheriff of a
29 petition, rule, motion, or order in an action commenced under
30 this Section.

31 (c) Dismissal and consolidation. Withdrawal or dismissal
32 of any petition for an order of protection prior to
33 adjudication where the petitioner is represented by the State
34 shall operate as a dismissal without prejudice. No action for
35 an order of protection shall be dismissed because the
36 respondent is being prosecuted for a crime against the

1 petitioner. An independent action may be consolidated with
2 another civil proceeding, as provided by paragraph (2) of
3 subsection (a) of this Section. For any action commenced under
4 paragraph (2) or (3) of subsection (a) of this Section,
5 dismissal of the conjoined case (or a finding of not guilty)
6 shall not require dismissal of the action for the order of
7 protection; instead, it may be treated as an independent action
8 and, if necessary and appropriate, transferred to a different
9 court or division. Dismissal of any conjoined case shall not
10 affect the validity of any previously issued order of
11 protection, and thereafter subsections (b)(1) and (b)(2) of
12 Section 220 shall be inapplicable to such order.

13 (d) Pro se petitions. The court shall provide, through the
14 office of the clerk of the court, simplified forms and clerical
15 assistance to help with the writing and filing of a petition
16 under this Section by any person not represented by counsel. In
17 addition, that assistance may be provided by the state's
18 attorney.

19 (Source: P.A. 93-458, eff. 1-1-04.)

20 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

21 Sec. 214. Order of protection; remedies.

22 (a) Issuance of order. If the court finds that petitioner
23 has been abused by a family or household member or that
24 petitioner is a high-risk adult who has been abused, neglected,
25 or exploited, as defined in this Act, an order of protection
26 prohibiting the abuse, neglect, or exploitation shall issue;
27 provided that petitioner must also satisfy the requirements of
28 one of the following Sections, as appropriate: Section 217 on
29 emergency orders, Section 218 on interim orders, or Section 219
30 on plenary orders. Petitioner shall not be denied an order of
31 protection because petitioner or respondent is a minor. The
32 court, when determining whether or not to issue an order of
33 protection, shall not require physical manifestations of abuse
34 on the person of the victim. Modification and extension of
35 prior orders of protection shall be in accordance with this

1 Act.

2 (b) Remedies and standards. The remedies to be included in
3 an order of protection shall be determined in accordance with
4 this Section and one of the following Sections, as appropriate:
5 Section 217 on emergency orders, Section 218 on interim orders,
6 and Section 219 on plenary orders. The remedies listed in this
7 subsection shall be in addition to other civil or criminal
8 remedies available to petitioner.

9 (1) Prohibition of abuse, neglect, or exploitation.
10 Prohibit respondent's harassment, interference with
11 personal liberty, intimidation of a dependent, physical
12 abuse, or willful deprivation, neglect or exploitation, as
13 defined in this Act, or stalking of the petitioner, as
14 defined in Section 12-7.3 of the Criminal Code of 1961, if
15 such abuse, neglect, exploitation, or stalking has
16 occurred or otherwise appears likely to occur if not
17 prohibited.

18 (2) Grant of exclusive possession of residence.
19 Prohibit respondent from entering or remaining in any
20 residence or household of the petitioner, including one
21 owned or leased by respondent, if petitioner has a right to
22 occupancy thereof. The grant of exclusive possession of the
23 residence shall not affect title to real property, nor
24 shall the court be limited by the standard set forth in
25 Section 701 of the Illinois Marriage and Dissolution of
26 Marriage Act.

27 (A) Right to occupancy. A party has a right to
28 occupancy of a residence or household if it is solely
29 or jointly owned or leased by that party, that party's
30 spouse, a person with a legal duty to support that
31 party or a minor child in that party's care, or by any
32 person or entity other than the opposing party that
33 authorizes that party's occupancy (e.g., a domestic
34 violence shelter). Standards set forth in subparagraph
35 (B) shall not preclude equitable relief.

36 (B) Presumption of hardships. If petitioner and

1 respondent each has the right to occupancy of a
2 residence or household, the court shall balance (i) the
3 hardships to respondent and any minor child or
4 dependent adult in respondent's care resulting from
5 entry of this remedy with (ii) the hardships to
6 petitioner and any minor child or dependent adult in
7 petitioner's care resulting from continued exposure to
8 the risk of abuse (should petitioner remain at the
9 residence or household) or from loss of possession of
10 the residence or household (should petitioner leave to
11 avoid the risk of abuse). When determining the balance
12 of hardships, the court shall also take into account
13 the accessibility of the residence or household.
14 Hardships need not be balanced if respondent does not
15 have a right to occupancy.

16 The balance of hardships is presumed to favor
17 possession by petitioner unless the presumption is
18 rebutted by a preponderance of the evidence, showing
19 that the hardships to respondent substantially
20 outweigh the hardships to petitioner and any minor
21 child or dependent adult in petitioner's care. The
22 court, on the request of petitioner or on its own
23 motion, may order respondent to provide suitable,
24 accessible, alternate housing for petitioner instead
25 of excluding respondent from a mutual residence or
26 household.

27 (3) Stay away order and additional prohibitions. Order
28 respondent to stay away from petitioner or any other person
29 protected by the order of protection, or prohibit
30 respondent from entering or remaining present at
31 petitioner's school, place of employment, or other
32 specified places at times when petitioner is present, or
33 both, if reasonable, given the balance of hardships.
34 Hardships need not be balanced for the court to enter a
35 stay away order or prohibit entry if respondent has no
36 right to enter the premises.

1 If an order of protection grants petitioner exclusive
2 possession of the residence, or prohibits respondent from
3 entering the residence, or orders respondent to stay away
4 from petitioner or other protected persons, then the court
5 may allow respondent access to the residence to remove
6 items of clothing and personal adornment used exclusively
7 by respondent, medications, and other items as the court
8 directs. The right to access shall be exercised on only one
9 occasion as the court directs and in the presence of an
10 agreed-upon adult third party or law enforcement officer.

11 (4) Counseling. Require or recommend the respondent to
12 undergo counseling for a specified duration with a social
13 worker, psychologist, clinical psychologist, psychiatrist,
14 family service agency, alcohol or substance abuse program,
15 mental health center guidance counselor, agency providing
16 services to elders, program designed for domestic violence
17 abusers or any other guidance service the court deems
18 appropriate.

19 (5) Physical care and possession of the minor child. In
20 order to protect the minor child from abuse, neglect, or
21 unwarranted separation from the person who has been the
22 minor child's primary caretaker, or to otherwise protect
23 the well-being of the minor child, the court may do either
24 or both of the following: (i) grant petitioner physical
25 care or possession of the minor child, or both, or (ii)
26 order respondent to return a minor child to, or not remove
27 a minor child from, the physical care of a parent or person
28 in loco parentis.

29 If a court finds, after a hearing, that respondent has
30 committed abuse (as defined in Section 103) of a minor
31 child, there shall be a rebuttable presumption that
32 awarding physical care to respondent would not be in the
33 minor child's best interest.

34 (6) Temporary legal custody. Award temporary legal
35 custody to petitioner in accordance with this Section, the
36 Illinois Marriage and Dissolution of Marriage Act, the

1 Uniform Parentage Act (2000) ~~the Illinois Parentage Act of~~
2 ~~1984~~, and this State's Uniform Child-Custody Jurisdiction
3 and Enforcement Act.

4 If a court finds, after a hearing, that respondent has
5 committed abuse (as defined in Section 103) of a minor
6 child, there shall be a rebuttable presumption that
7 awarding temporary legal custody to respondent would not be
8 in the child's best interest.

9 (7) Visitation. Determine the visitation rights, if
10 any, of respondent in any case in which the court awards
11 physical care or temporary legal custody of a minor child
12 to petitioner. The court shall restrict or deny
13 respondent's visitation with a minor child if the court
14 finds that respondent has done or is likely to do any of
15 the following: (i) abuse or endanger the minor child during
16 visitation; (ii) use the visitation as an opportunity to
17 abuse or harass petitioner or petitioner's family or
18 household members; (iii) improperly conceal or detain the
19 minor child; or (iv) otherwise act in a manner that is not
20 in the best interests of the minor child. The court shall
21 not be limited by the standards set forth in Section 607.1
22 of the Illinois Marriage and Dissolution of Marriage Act.
23 If the court grants visitation, the order shall specify
24 dates and times for the visitation to take place or other
25 specific parameters or conditions that are appropriate. No
26 order for visitation shall refer merely to the term
27 "reasonable visitation".

28 Petitioner may deny respondent access to the minor
29 child if, when respondent arrives for visitation,
30 respondent is under the influence of drugs or alcohol and
31 constitutes a threat to the safety and well-being of
32 petitioner or petitioner's minor children or is behaving in
33 a violent or abusive manner.

34 If necessary to protect any member of petitioner's
35 family or household from future abuse, respondent shall be
36 prohibited from coming to petitioner's residence to meet

1 the minor child for visitation, and the parties shall
2 submit to the court their recommendations for reasonable
3 alternative arrangements for visitation. A person may be
4 approved to supervise visitation only after filing an
5 affidavit accepting that responsibility and acknowledging
6 accountability to the court.

7 (8) Removal or concealment of minor child. Prohibit
8 respondent from removing a minor child from the State or
9 concealing the child within the State.

10 (9) Order to appear. Order the respondent to appear in
11 court, alone or with a minor child, to prevent abuse,
12 neglect, removal or concealment of the child, to return the
13 child to the custody or care of the petitioner or to permit
14 any court-ordered interview or examination of the child or
15 the respondent.

16 (10) Possession of personal property. Grant petitioner
17 exclusive possession of personal property and, if
18 respondent has possession or control, direct respondent to
19 promptly make it available to petitioner, if:

20 (i) petitioner, but not respondent, owns the
21 property; or

22 (ii) the parties own the property jointly; sharing
23 it would risk abuse of petitioner by respondent or is
24 impracticable; and the balance of hardships favors
25 temporary possession by petitioner.

26 If petitioner's sole claim to ownership of the property
27 is that it is marital property, the court may award
28 petitioner temporary possession thereof under the
29 standards of subparagraph (ii) of this paragraph only if a
30 proper proceeding has been filed under the Illinois
31 Marriage and Dissolution of Marriage Act, as now or
32 hereafter amended.

33 No order under this provision shall affect title to
34 property.

35 (11) Protection of property. Forbid the respondent
36 from taking, transferring, encumbering, concealing,

1 damaging or otherwise disposing of any real or personal
2 property, except as explicitly authorized by the court, if:

3 (i) petitioner, but not respondent, owns the
4 property; or

5 (ii) the parties own the property jointly, and the
6 balance of hardships favors granting this remedy.

7 If petitioner's sole claim to ownership of the property
8 is that it is marital property, the court may grant
9 petitioner relief under subparagraph (ii) of this
10 paragraph only if a proper proceeding has been filed under
11 the Illinois Marriage and Dissolution of Marriage Act, as
12 now or hereafter amended.

13 The court may further prohibit respondent from
14 improperly using the financial or other resources of an
15 aged member of the family or household for the profit or
16 advantage of respondent or of any other person.

17 (12) Order for payment of support. Order respondent to
18 pay temporary support for the petitioner or any child in
19 the petitioner's care or custody, when the respondent has a
20 legal obligation to support that person, in accordance with
21 the Illinois Marriage and Dissolution of Marriage Act,
22 which shall govern, among other matters, the amount of
23 support, payment through the clerk and withholding of
24 income to secure payment. An order for child support may be
25 granted to a petitioner with lawful physical care or
26 custody of a child, or an order or agreement for physical
27 care or custody, prior to entry of an order for legal
28 custody. Such a support order shall expire upon entry of a
29 valid order granting legal custody to another, unless
30 otherwise provided in the custody order.

31 (13) Order for payment of losses. Order respondent to
32 pay petitioner for losses suffered as a direct result of
33 the abuse, neglect, or exploitation. Such losses shall
34 include, but not be limited to, medical expenses, lost
35 earnings or other support, repair or replacement of
36 property damaged or taken, reasonable attorney's fees,

1 court costs and moving or other travel expenses, including
2 additional reasonable expenses for temporary shelter and
3 restaurant meals.

4 (i) Losses affecting family needs. If a party is
5 entitled to seek maintenance, child support or
6 property distribution from the other party under the
7 Illinois Marriage and Dissolution of Marriage Act, as
8 now or hereafter amended, the court may order
9 respondent to reimburse petitioner's actual losses, to
10 the extent that such reimbursement would be
11 "appropriate temporary relief", as authorized by
12 subsection (a) (3) of Section 501 of that Act.

13 (ii) Recovery of expenses. In the case of an
14 improper concealment or removal of a minor child, the
15 court may order respondent to pay the reasonable
16 expenses incurred or to be incurred in the search for
17 and recovery of the minor child, including but not
18 limited to legal fees, court costs, private
19 investigator fees, and travel costs.

20 (14) Prohibition of entry. Prohibit the respondent
21 from entering or remaining in the residence or household
22 while the respondent is under the influence of alcohol or
23 drugs and constitutes a threat to the safety and well-being
24 of the petitioner or the petitioner's children.

25 (14.5) Prohibition of firearm possession.

26 (a) When a complaint is made under a request for an
27 order of protection, that the respondent has
28 threatened or is likely to use firearms illegally
29 against the petitioner, and the respondent is present
30 in court, or has failed to appear after receiving
31 actual notice, the court shall examine on oath the
32 petitioner, and any witnesses who may be produced. If
33 the court is satisfied that there is any danger of the
34 illegal use of firearms, it shall issue an order that
35 any firearms in the possession of the respondent,
36 except as provided in subsection (b), be turned over to

1 the local law enforcement agency for safekeeping. If
2 the respondent has failed to appear, the court shall
3 issue a warrant for seizure of any firearm in the
4 possession of the respondent. The period of
5 safekeeping shall be for a stated period of time not to
6 exceed 2 years. The firearm or firearms shall be
7 returned to the respondent at the end of the stated
8 period or at expiration of the order of protection,
9 whichever is sooner.

10 (b) If the respondent is a peace officer as defined
11 in Section 2-13 of the Criminal Code of 1961, the court
12 shall order that any firearms used by the respondent in
13 the performance of his or her duties as a peace officer
14 be surrendered to the chief law enforcement executive
15 of the agency in which the respondent is employed, who
16 shall retain the firearms for safekeeping for the
17 stated period not to exceed 2 years as set forth in the
18 court order.

19 (15) Prohibition of access to records. If an order of
20 protection prohibits respondent from having contact with
21 the minor child, or if petitioner's address is omitted
22 under subsection (b) of Section 203, or if necessary to
23 prevent abuse or wrongful removal or concealment of a minor
24 child, the order shall deny respondent access to, and
25 prohibit respondent from inspecting, obtaining, or
26 attempting to inspect or obtain, school or any other
27 records of the minor child who is in the care of
28 petitioner.

29 (16) Order for payment of shelter services. Order
30 respondent to reimburse a shelter providing temporary
31 housing and counseling services to the petitioner for the
32 cost of the services, as certified by the shelter and
33 deemed reasonable by the court.

34 (17) Order for injunctive relief. Enter injunctive
35 relief necessary or appropriate to prevent further abuse of
36 a family or household member or further abuse, neglect, or

1 exploitation of a high-risk adult with disabilities or to
2 effectuate one of the granted remedies, if supported by the
3 balance of hardships. If the harm to be prevented by the
4 injunction is abuse or any other harm that one of the
5 remedies listed in paragraphs (1) through (16) of this
6 subsection is designed to prevent, no further evidence is
7 necessary that the harm is an irreparable injury.

8 (c) Relevant factors; findings.

9 (1) In determining whether to grant a specific remedy,
10 other than payment of support, the court shall consider
11 relevant factors, including but not limited to the
12 following:

13 (i) the nature, frequency, severity, pattern and
14 consequences of the respondent's past abuse, neglect
15 or exploitation of the petitioner or any family or
16 household member, including the concealment of his or
17 her location in order to evade service of process or
18 notice, and the likelihood of danger of future abuse,
19 neglect, or exploitation to petitioner or any member of
20 petitioner's or respondent's family or household; and

21 (ii) the danger that any minor child will be abused
22 or neglected or improperly removed from the
23 jurisdiction, improperly concealed within the State or
24 improperly separated from the child's primary
25 caretaker.

26 (2) In comparing relative hardships resulting to the
27 parties from loss of possession of the family home, the
28 court shall consider relevant factors, including but not
29 limited to the following:

30 (i) availability, accessibility, cost, safety,
31 adequacy, location and other characteristics of
32 alternate housing for each party and any minor child or
33 dependent adult in the party's care;

34 (ii) the effect on the party's employment; and

35 (iii) the effect on the relationship of the party,
36 and any minor child or dependent adult in the party's

1 care, to family, school, church and community.

2 (3) Subject to the exceptions set forth in paragraph
3 (4) of this subsection, the court shall make its findings
4 in an official record or in writing, and shall at a minimum
5 set forth the following:

6 (i) That the court has considered the applicable
7 relevant factors described in paragraphs (1) and (2) of
8 this subsection.

9 (ii) Whether the conduct or actions of respondent,
10 unless prohibited, will likely cause irreparable harm
11 or continued abuse.

12 (iii) Whether it is necessary to grant the
13 requested relief in order to protect petitioner or
14 other alleged abused persons.

15 (4) For purposes of issuing an ex parte emergency order
16 of protection, the court, as an alternative to or as a
17 supplement to making the findings described in paragraphs
18 (c)(3)(i) through (c)(3)(iii) of this subsection, may use
19 the following procedure:

20 When a verified petition for an emergency order of
21 protection in accordance with the requirements of Sections
22 203 and 217 is presented to the court, the court shall
23 examine petitioner on oath or affirmation. An emergency
24 order of protection shall be issued by the court if it
25 appears from the contents of the petition and the
26 examination of petitioner that the averments are
27 sufficient to indicate abuse by respondent and to support
28 the granting of relief under the issuance of the emergency
29 order of protection.

30 (5) Never married parties. No rights or
31 responsibilities for a minor child born outside of marriage
32 attach to a putative father until a father and child
33 relationship has been established under the Illinois
34 Parentage Act of 1984, the Uniform Parentage Act (2000),
35 the Illinois Public Aid Code, Section 12 of the Vital
36 Records Act, the Juvenile Court Act of 1987, the Probate

1 Act of 1985, the Revised Uniform Reciprocal Enforcement of
2 Support Act, the Uniform Interstate Family Support Act, the
3 Expedited Child Support Act of 1990, any judicial,
4 administrative, or other act of another state or territory,
5 any other Illinois statute, or by any foreign nation
6 establishing the father and child relationship, any other
7 proceeding substantially in conformity with the Personal
8 Responsibility and Work Opportunity Reconciliation Act of
9 1996 (Pub. L. 104-193), or where both parties appeared in
10 open court or at an administrative hearing acknowledging
11 under oath or admitting by affirmation the existence of a
12 father and child relationship. Absent such an
13 adjudication, finding, or acknowledgement, no putative
14 father shall be granted temporary custody of the minor
15 child, visitation with the minor child, or physical care
16 and possession of the minor child, nor shall an order of
17 payment for support of the minor child be entered.

18 (d) Balance of hardships; findings. If the court finds that
19 the balance of hardships does not support the granting of a
20 remedy governed by paragraph (2), (3), (10), (11), or (16) of
21 subsection (b) of this Section, which may require such
22 balancing, the court's findings shall so indicate and shall
23 include a finding as to whether granting the remedy will result
24 in hardship to respondent that would substantially outweigh the
25 hardship to petitioner from denial of the remedy. The findings
26 shall be an official record or in writing.

27 (e) Denial of remedies. Denial of any remedy shall not be
28 based, in whole or in part, on evidence that:

29 (1) Respondent has cause for any use of force, unless
30 that cause satisfies the standards for justifiable use of
31 force provided by Article VII of the Criminal Code of 1961;

32 (2) Respondent was voluntarily intoxicated;

33 (3) Petitioner acted in self-defense or defense of
34 another, provided that, if petitioner utilized force, such
35 force was justifiable under Article VII of the Criminal
36 Code of 1961;

1 (4) Petitioner did not act in self-defense or defense
2 of another;

3 (5) Petitioner left the residence or household to avoid
4 further abuse, neglect, or exploitation by respondent;

5 (6) Petitioner did not leave the residence or household
6 to avoid further abuse, neglect, or exploitation by
7 respondent;

8 (7) Conduct by any family or household member excused
9 the abuse, neglect, or exploitation by respondent, unless
10 that same conduct would have excused such abuse, neglect,
11 or exploitation if the parties had not been family or
12 household members.

13 (Source: P.A. 93-108, eff. 1-1-04.)

14 Section 905.20. The Business Corporation Act of 1983 is
15 amended by changing Section 1.25 as follows:

16 (805 ILCS 5/1.25) (from Ch. 32, par. 1.25)

17 Sec. 1.25. List of corporations; exchange of information.

18 (a) The Secretary of State shall publish each year a list
19 of corporations filing an annual report for the preceding year
20 in accordance with the provisions of this Act, which report
21 shall state the name of the corporation and the respective
22 names and addresses of the president, secretary, and registered
23 agent thereof and the address of the registered office in this
24 State of each such corporation. The Secretary of State shall
25 furnish without charge a copy of such report to each recorder
26 of this State, and to each member of the General Assembly and
27 to each State agency or department requesting the same. The
28 Secretary of State shall, upon receipt of a written request and
29 a fee as determined by the Secretary, furnish such report to
30 anyone else.

31 (b) (1) The Secretary of State shall publish daily a list
32 of all newly formed corporations, business and not for profit,
33 chartered by him on that day issued after receipt of the
34 application. The daily list shall contain the same information

1 as to each corporation as is provided for the corporation list
2 published under subsection (a) of this Section. The daily list
3 may be obtained at the Secretary's office by any person,
4 newspaper, State department or agency, or local government for
5 a reasonable charge to be determined by the Secretary.
6 Inspection of the daily list may be made at the Secretary's
7 office during normal business hours without charge by any
8 person, newspaper, State department or agency, or local
9 government.

10 (2) The Secretary shall compile the daily list mentioned in
11 paragraph (1) of subsection (b) of this Section monthly, or
12 more often at the Secretary's discretion. The compilation shall
13 be immediately mailed free of charge to all local governments
14 requesting in writing receipt of such publication, or shall be
15 automatically mailed by the Secretary without charge to local
16 governments as determined by the Secretary. The Secretary shall
17 mail a copy of the compilations free of charge to all State
18 departments or agencies making a written request. A request for
19 a compilation of the daily list once made by a local government
20 or State department or agency need not be renewed. However, the
21 Secretary may request from time to time whether the local
22 governments or State departments or agencies desire to continue
23 receiving the compilation.

24 (3) The compilations of the daily list mentioned in
25 paragraph (2) of subsection (b) of this Section shall be mailed
26 to newspapers, or any other person not included as a recipient
27 in paragraph (2) of subsection (b) of this Section, upon
28 receipt of a written application signed by the applicant and
29 accompanied by the payment of a fee as determined by the
30 Secretary.

31 (c) If a domestic or foreign corporation has filed with the
32 Secretary of State an annual report for the preceding year or
33 has been newly formed or is otherwise and in any manner
34 registered with the Secretary of State, the Secretary of State
35 shall exchange with the Illinois Department of Public Aid any
36 information concerning that corporation that may be necessary

1 for the enforcement of child support orders entered pursuant to
2 the Illinois Public Aid Code, the Illinois Marriage and
3 Dissolution of Marriage Act, the Non-Support of Spouse and
4 Children Act, the Non-Support Punishment Act, the Revised
5 Uniform Reciprocal Enforcement of Support Act, the Uniform
6 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
7 1984, or the Uniform Parentage Act (2000).

8 Notwithstanding any provisions in this Act to the contrary,
9 the Secretary of State shall not be liable to any person for
10 any disclosure of information to the Illinois Department of
11 Public Aid under this subsection or for any other action taken
12 in good faith to comply with the requirements of this
13 subsection.

14 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

15 Section 905.21. The Limited Liability Company Act is
16 amended by changing Section 50-5 as follows:

17 (805 ILCS 180/50-5)

18 Sec. 50-5. List of limited liability companies; exchange of
19 information.

20 (a) The Secretary of State may publish a list or lists of
21 limited liability companies and foreign limited liability
22 companies, as often, in the format, and for the fees as the
23 Secretary of State may in his or her discretion provide by
24 rule. The Secretary of State may disseminate information
25 concerning limited liability companies and foreign limited
26 liability companies by computer network in the format and for
27 the fees as may be determined by rule.

28 (b) Upon written request, any list published under
29 subsection (a) shall be free to each member of the General
30 Assembly, to each State agency or department, and to each
31 recorder in this State. An appropriate fee established by rule
32 to cover the cost of producing the list shall be charged to all
33 others.

34 (c) If a domestic or foreign limited liability company has

1 filed with the Secretary of State an annual report for the
2 preceding year or has been newly formed or is otherwise and in
3 any manner registered with the Secretary of State, the
4 Secretary of State shall exchange with the Illinois Department
5 of Public Aid any information concerning that limited liability
6 company that may be necessary for the enforcement of child
7 support orders entered pursuant to the Illinois Public Aid
8 Code, the Illinois Marriage and Dissolution of Marriage Act,
9 the Non-Support of Spouse and Children Act, the Non-Support
10 Punishment Act, the Revised Uniform Reciprocal Enforcement of
11 Support Act, the Uniform Interstate Family Support Act, ~~or~~ the
12 Illinois Parentage Act of 1984, or the Uniform Parentage Act
13 (2000).

14 Notwithstanding any provisions in this Act to the contrary,
15 the Secretary of State shall not be liable to any person for
16 any disclosure of information to the Illinois Department of
17 Public Aid under this subsection or for any other action taken
18 in good faith to comply with the requirements of this
19 subsection.

20 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

| 1 | | INDEX | |
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| 2 | | Statutes amended in order of appearance | |
| 3 | New Act | | |
| 4 | 750 ILCS 40/Act rep. | | |
| 5 | 750 ILCS 45/Act rep. | | |
| 6 | 750 ILCS 50/12a rep. | | |
| 7 | 20 ILCS 1005/1005-130 | was 20 ILCS 1005/43a.14 | |
| 8 | 20 ILCS 2105/2105-15 | was 20 ILCS 2105/60 | |
| 9 | 20 ILCS 2505/2505-65 | was 20 ILCS 2505/39b12 | |
| 10 | 55 ILCS 5/3-5036.5 | | |
| 11 | 225 ILCS 425/2.04 | from Ch. 111, par. 2005.1 | |
| 12 | 305 ILCS 5/10-3.1 | from Ch. 23, par. 10-3.1 | |
| 13 | 305 ILCS 5/10-17.7 | | |
| 14 | 305 ILCS 5/10-19 | from Ch. 23, par. 10-19 | |
| 15 | 305 ILCS 5/10-25 | | |
| 16 | 305 ILCS 5/10-25.5 | | |
| 17 | 305 ILCS 5/12-4.7c | | |
| 18 | 325 ILCS 2/50 | | |
| 19 | 410 ILCS 513/22 | | |
| 20 | 410 ILCS 513/30 | | |
| 21 | 410 ILCS 535/12 | from Ch. 111 1/2, par. 73-12 | |
| 22 | 410 ILCS 535/24 | from Ch. 111 1/2, par. 73-24 | |
| 23 | 625 ILCS 5/2-109.1 | | |
| 24 | 625 ILCS 5/7-703 | | |
| 25 | 705 ILCS 105/27.1a | from Ch. 25, par. 27.1a | |
| 26 | 705 ILCS 405/1-3 | from Ch. 37, par. 801-3 | |
| 27 | 705 ILCS 405/6-9 | from Ch. 37, par. 806-9 | |
| 28 | 725 ILCS 5/112A-14 | from Ch. 38, par. 112A-14 | |
| 29 | 730 ILCS 5/3-5-4 | | |
| 30 | 735 ILCS 5/2-209 | from Ch. 110, par. 2-209 | |
| 31 | 735 ILCS 5/2-1401 | from Ch. 110, par. 2-1401 | |
| 32 | 735 ILCS 5/12-112 | from Ch. 110, par. 12-112 | |
| 33 | 750 ILCS 5/713 | from Ch. 40, par. 713 | |
| 34 | 750 ILCS 25/6 | from Ch. 40, par. 2706 | |
| 35 | 750 ILCS 50/1 | from Ch. 40, par. 1501 | |

- 1 750 ILCS 50/7 from Ch. 40, par. 1509
- 2 750 ILCS 50/8 from Ch. 40, par. 1510
- 3 750 ILCS 50/12.1
- 4 750 ILCS 50/18.06
- 5 750 ILCS 60/202 from Ch. 40, par. 2312-2
- 6 750 ILCS 60/214 from Ch. 40, par. 2312-14
- 7 805 ILCS 5/1.25 from Ch. 32, par. 1.25
- 8 805 ILCS 180/50-5